

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Apr-24-2013

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CP No.101 of 2013 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE In the matter of: RUBI STAR REAL ESTATE & HOUSING DEVELOPMENT LTD.-And MANTULAL DATTA Appearance: Mr.Sabyasachi Chowdhury, Adv.Mr.Sayantan Bose, Adv.Mr.Rajarshi Dutta, Adv...for the petitioner.

BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : April 24, 2013.

The Court : The company is not represented despite service and subsequent notices at both the registered office of the company and at the known addresses of the directors of the company.

It appears that the company may have vanished altogether upon obtaining deposits from gullible parties.

The claim of the petitioning-creditor is on account of money deposited for return by the company with interest.

The amount claimed in the statutory notice is Rs.11,19,386/-.

Since the statutory notice has been posted in the usual courts and addressed to the registered office and no reply has been received thereto, there is a presumption of the company's inability to pay its debts.

CP No.101 of 2013 is admitted for the principal sum of Rs.11,19,386/- together with interest thereon at the rate of 8% per annum from the date of the statutory notice till payment.

If the company pays off the entire amount, inclusive of interest, within a fortnight from date, the petition will remain permanently stayed.

In default, the petition will be advertised once in The Statesman and once in Bartaman. The advertisements should indicate that the matter will appear before Court on the first available working day after the expiry of a period of four weeks from the date of the publications being made.

Publication in the official gazette will stand dispensed with.

Since there are several petitions pertaining to the same company, all the petitioners in these 33 matters appearing together will be entitled to issue a common advertisement on the same day in both newspapers. The petitioning creditor will also forward a copy of this order to the Registrar of Companies and the require the registrar to show cause before this Court when this and the connected matters appear at the post-advertisement stage as to the steps taken by the registrar in respect of this company which seems to have disappeared after duping its deposit ORS. There will be no order as to costs.

Urgent certified photocopies of this order, if applied for, be given to the parties subject to compliance with all requisite formalities.

(Sanjib Banerjee, J.) A/s.

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