

**Appellant Vs. Respondent**

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**SooperKanoon Citation :** [sooperkanoon.com/1060348](http://sooperkanoon.com/1060348)

**Court :** Kolkata

**Decided On :** Jun-21-2012

**Judge :** Sanjib Banerjee

**Appellant :** Appellant

**Respondent :** Respondent

**Judgement :**

CP No.99 of 2012 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF: MAA AMBAY JEWELLERS PVT.LTD.- AND IN THE MATTER OF: ANDERSON PRINTING HOUSE PVT.LTD. BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

21. t June, 2012.

Appearance: Mr.Pratyush Patwari, Adv.The Court : The company is not represented and no affidavit-inopposition has been filed despite directions having been issued.

The petitioning creditor communicated the directions to the company and a second affidavit-of-service in such regard has been filed.

The claim of the petitioner is on account of price of goods sold and delivered.

The statutory notice of February 18, 2012 demanded a principal sum of Rs.2,18,552/- on account of supply of invitation cards, envelopes and like material against the invoices raised between September and December, 2010.

The total value of the invoices was Rs.2,43,552/- against which the company had made a token payment of Rs.25,000/- leaving an unpaid principal sum of Rs.2,18,552/-.

The company duly received the statutory notice as is evident from the document appended to the affidavit, but did not reply thereto.

The company was served but was not represented before this Court at the initial stage whereupon the petitioner communicated the directions for filing affidavits.

Since the company chose not to reply to the statutory notice and has shown no interest in contesting the claim, it may be presumed that the company has no defence to the petitioners claim and is unable to pay its debts.

CP No.99 of 2012 is admitted in the principal sum of Rs.2,18,552/- together with interest thereon at the rate of 10 per cent per annum from February 18, 2012, which is the date of the statutory notice.

If the company pays off the entire amount inclusive of interest and costs assessed at 500 GM within a period of four weeks 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 expiry of four weeks from the date of the publications being made.

Publication in the Official Gazette will stand dispensed with.

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

(SANJIB BANERJEE, J.) kc.

AR(CR)

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