

**Appellant Vs. Respondent**

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**SooperKanoon Citation :** [sooperkanoon.com/1061028](http://sooperkanoon.com/1061028)

**Court :** Kolkata

**Decided On :** Feb-14-2012

**Judge :** Sanjib Banerjee

**Appellant :** Appellant

**Respondent :** Respondent

**Judgement :**

ORDER

SHEET CP NO.294 OF 201.IN THE HIGH COURT AT CALCUTTA Original Jurisdiction IN THE MATTER OF : M/S.KEDARNATH ELECTRONICS PVT.LTD.- ANDHDFC BANK LTD.BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

14. h February, 2012.

Appearance : Mr.A.Mitra, Adv., for the petitioner.

The Court : None appears on behalf of the company even at the second call.

None appeared at an earlier stage to take directions for communicating filing the affidavits.

directions for Despite filing the petitioner affidavits, the company has chosen not to file an affidavit.

The petitioners claim is on account of money lent and advanced.

By the statutory notice of March 21, 2011, the petitioner claimed that the petitioner had disbursed an amount of Rs.15 lakh to the company which the company was liable to repay in 36 equated monthly instalments of Rs.54,606/-.

The petitioner asserted in the statutory notice that on account of defaulted instalments, a sum of Rs.5,48,623.71 remained due.

The petitioner claimed sundry other amounts in terms of the agreement to make a claim of Rs.8,04,683/-.

Despite due receipt of the statutory notice, the company did not respond thereto.

CP No.294 of 2011 is admitted for the sum of Rs.8,04,683/- together with interest thereon at 4% per annum on the sum of Rs.5,48,623.71 with effect from March 21, 2011.

If the company pays off the entire amount, inclusive of interest, to the petitioner within a period of six weeks from date, the default, petition the will petition remain will be permanently advertised stayed.

once in In The Statesman and once in Bartaman.

The advertisements should indicate that the matter will appear before Court on the available working day after the expiry of four weeks from the date of publication being made.

Publication in the official gazette will stand dispensed with.

There will be no order as to costs at this stage.

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

(SANJIB BANERJEE, J.) S.Das AR[CR].