

Appellant Vs. Respondent

Appellant Vs. Respondent

SooperKanoon Citation : sooperkanoon.com/1061272

Court : Kolkata

Decided On : Jul-04-2012

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CA No.455 of 2012 CP No.636 of 2011 IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION IN THE MATTER OF : M/S LOOMTEX
ENGINEERING PVT.LTD.-ANDNARANARAYAN SARKAR & ORS.BEFORE: The
Hon'ble JUSTICE SANJIB BANERJEE Date :

4. h July, 2012.

Appearance: Mr.Joy Saha, Adv.The Court : None appears to oppose CA No.455
of 2012.

The application is by the company for recalling the order dated May 17, 2012
admitting the creditors winding-up petition.

The petition has not yet been advertised.

The creditors are workmen of the company.

The creditors were represented on a previous occasion and it had been submitted that the dues of the creditors had been paid off, as a result whereof the creditors had not taken steps for publishing the advertisements.

The applicant says that there is a letter at page 499 of the affidavit in support of the Summons relating to CA No.455 of 2012 evidencing that the entire dues of the workmen have been cleared.

The matter was adjourned since it was submitted on a previous occasion on behalf of the workmen that they were entitled to a sum of Rs.50,000/by way of costs in respect of some other proceedings.

It is submitted by the company that the costs have been tendered and the company has carried a document in support of such assertion.

Let a copy of the document dated July 3, 2012 be kept with the paper. CA No.455 of 2012 is allowed by recalling the order dated May 17, 2012 by which CP No.636 of 2011 had been admitted and had been directed to be advertised.

CP No.636 of 2011 is also permanently stayed.

There will be no order as to costs.

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

(SANJIB BANERJEE, J.) bp.

A.R(C.R)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com