

**Baron Impex Limited Vs. Floreat Power Project Limited**

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**SooperKanoon Citation :** [sooperkanoon.com/1061313](http://sooperkanoon.com/1061313)

**Court :** Kolkata

**Decided On :** Jul-26-2012

**Judge :** Banerjee

**Appellant :** Baron Impex Limited

**Respondent :** Floreat Power Project Limited

**Judgement :**

ORDER

SHEET APOT No.228 of 2012 ACO No.93 of 2012 With CP No.677 of 2011 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction BARON IMPEX LIMITED Versus FLOREAT POWER PROJECT LIMITED BEFORE: The Hon'ble JUSTICE BANERJEE AND The Hon'ble JUSTICE SHUKLA KABIR (SINHA) Date :

26. h July, 2012.

Mr.Ranjan Deb, Sr.Advocate, Mr.V.N.

Dwivedi for the appellant.

Mr.Susanta Dutta for the respondent.

The Court : A winding up petition was initially filed based upon a money claim.

The learned Single Judge directed the company to deposit a sum of Rs.3 lakhs and relegated the parties to suit.

Accordingly, the respondent filed a suit that was decreed ex parte although as they the company filed ultimately written did statement.

not The contest second the same winding up petition was filed based on the decretal claim.

The learned Judge once again asked the company to secure the claim as the company wanted stay of the winding up proceedings on the ground that their application for recall of the decree was then pending.

The company did not deposit.

They preferred a defective appeal that was dismissed.

The respondent thus advertised notice in the newspaper upon notice to the company.

The appeal was subsequently restored.

However, in the meantime the winding up petition had already been advertised as recorded above and it has taken a representative character.

In such event, we feel that the appeal has become infructuous.

The appeal is thus dismissed without any order as to costs.

Mr.appellant Deb, company, learned however, Senior submits Counsel that appearing the for the application for recall of the decree is being heard by the City Civil Court and the next date is fixed in the month of August, 2012.

Let him renew his prayer for stay before the learned Single Judge in the changed scenario.

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

( BANERJEE, J.) (SHUKLA KABIR (SINHA).J.) pa

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