

**Appellant Vs. Respondent**

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**SooperKanoon Citation :** [sooperkanoon.com/1061721](http://sooperkanoon.com/1061721)

**Court :** Kolkata

**Decided On :** Jul-17-2013

**Judge :** Harish Tandon

**Appellant :** Appellant

**Respondent :** Respondent

**Judgement :**

ORDER

SHEET C.A.No.324 of 2013 C.P.No.2 of 2013 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction In the matter of: not STOP MARKETING PVT.LTD.And DASCo.Co.BEFORE: The Hon'ble JUSTICE HARISH TANDON  
Date :

17. h July, 2013.

Appearance: Mr.R.N.Dutta,Advocate Mr.G.C.Ghosh,Advocate Mrs.Manju Agarwal,Advocate Mr.Bajrang Manot,Advocate Mr.Deepak Jain,Advocate  
The Court : This is an application for extension of time to deposit a sum of Rs.10,25,533/- with the Registrar, Original Side.

By order dated 7th May, 2013, the company was directed to deposit the aforesaid sum within a week after reopening of the Court after summer vacation.

Although the publication has already been made and I am conscious of the fact that the matter has assumed the representative character but it appears from the said application that the demand draft for the aforesaid amount was made on 13th June, 2013 and the same was sought to be tendered to the Registrar, Original Side who could not accept the same as there has been a delay of three days.

The circumstances which occasioned the delay in making bank draft and deposit being made to the Registrar, Original Side are narrated in paragraph-11 of the said application.

It is not a case of the petitioning creditor that the company has deliberately and/or knowingly avoided the deposit of the said amount in terms of the order dated 7th May, 2013 and have not shown their bona fide to secure the said amount but because of the circumstances beyond its control it could not be done within the period as directed in the said order dated 7th May, 2013.

This Court, therefore, as a special case, grants the extension of time to deposit the said bank draft with the Registrar, Original Side.

The Registrar, Original Side is directed to take demand draft treating the same to have been filed in terms of the order dated 7th May, 2013.

If the said demand draft is deposited with the Registrar, Original Side within three days from date, the winding up petition shall remain permanently stayed.

In default, the petitioning creditor shall be at liberty to pray for the inclusion of the winding up petition in the list for further order.

Since the publication has already been made in terms of the order dated 7th May, 2013, the applicant is directed to pay costs assessed at 3000 G.M.s to the petitioning creditor to be paid to its advocate on record within a week from date.

This application is disposed of.

There shall, however, be no order as to costs.

(HARISH TANDON, J.) ssaha AR(CR)

