

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1097016

Court : Kolkata

Decided On : Nov-08-2013

Judge : Harish Tandon

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION
ORIGINAL SIDE CP329of 2013 M/S.JAWALA STEEL LTD.AND B.N.S.

ENTERPRISE BEFORE: The Hon'ble JUSTICE HARISH TANDON Date : 8th
November, 2013.

Ms.Darshana Sett, Advocate Mr.R.Ginodia, Advocate for petitioner The Court :-On
the prayer of the company the direction for filing affidavit was passed.

The time to file opposition was subsequently extended subject to the payment of
the costs on 8.7.2013.

The learned Advocate appearing for the petitioner submits that neither the costs is
paid nor the opposition is served upon the learned Advocate-on-record of the
petitioning creditor.

The claim made in this winding up petition relates to the default in payment of the amount for the goods sold and delivered.

The statutory notice is also not replied.

The delivery challans as well as the invoices annexed to this winding up petitions shows that the goods were received by the company without any demur or protest.

This Court, therefore, presumes that the company have failed and neglected to pay the price of the goods and, therefore, is liable to be wound up.

The winding up petition is admitted for a principal sum of Rs.1,49,99,920/together with an interest @12% from the date of the respective invoices until payment.

The company is directed to pay the aforesaid amount within three weeks from date.

If the company liquidates the entire sum as indicated above this winding up petition shall remain permanently stayed.

In default the petitioning creditor shall be entitled to advertise in newspaper once in Statesman and another in Bartaman.

The petitioner shall indicate in the said publication that this winding up petition shall be returnable on the fiRs.available working day after the expiration of the four weeks from the date of said publication.

The publication in the official gazette is dispensed with.

(HARISH TANDON, J.) GH.

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