

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Nov-28-2013

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CA No.521 of 2013 CA No.506 of 2013 CP No.560 of 2011 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction In the matter of :MAHESHWARY ISPAT LTD.And TATA CAPITAL FINANCIAL SEREVICES LTD.Appearance Mr.Jishnu Chowdhury, Adv.Ms.R.Kajaria, Adv.Mr.Soumabho Ghosh, Adv.Company Mr.Tilak Bose, Sr.Adv.Ms.Manju Bhuteria, Adv.Petitioning-Creditor BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : 28th November, 2013.

The Court : Since the entire defaulted amount till the month of November, 2013 has now been paid off by the company to the petitioningcreditor, the order passed appointing the Official Liquidator as the Provisional Liquidator is recalled.

There will, however, be an injunction restraining the company, whether by itself or by its servants or agents or otherwise howsoever from dealing with or disposing of or alienating any of its fixed assets in any manner whatsoever without the previous leave of Court.

The company should also pay a sum of Rs.30,000/- on account of interest for the delayed payment till the month of November, 2013.

Affidavit-in-opposition be filed within three weeks from date; reply thereto, if any, may be filed within a week thereafter.

CA No.506 of 2013 may be mentioned before the appropriate Bench after completion of affidavits.

The sum of Rs.30,000/- is the additional interest which has been directed to be paid in view of the default and should not be adjusted from the sum found due by the appellate order of March 13, 2013.

Since the Official Liquidator has sealed the registered and corporate offices of the company, the Official Liquidator should ensure that such offices are opened in couRs.of the day and the company allowed to function from such offices.

CA No.521 of 2013, which is the companys application for vacating the order of Provisional Liquidator, is disposed of without any order as to costs.

Certified website copies of this order, if applied for, be urgently supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.) sg.

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