

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Dec-16-2013

Judge : Harish Tandon

Appellant : Appellant

Respondent : Respondent

Judgement :

CP No.607 of 2013 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF : TEKRIWALA ASOCIATES PRIVATE LIMITED -ANDHELLMANN WORLDWIDE LOGISTICS INDIA PRIVATE LIMITED BEFORE: The Hon'ble JUSTICE HARISH TANDON Date : 16th December, 2013.

Appearance: Mr.Shaunak Sengupta, Adv.Mr.Indranil Nandi, Adv.The Court : The company appears after service.

The company did not protest for the claim of the petitioning creditor but submits that because of the financial stringencies the amount so claimed by the petitioning creditor cannot be paid at a time.

The claim of the petitioning creditor is to the tune of Rs.4,49,943.72 towards principal which has been admitted by the company by its letter dated 29th November, 2011.

Since the company has shown its bona fide to pay off the dues of the petitioning creditor, this Court, therefore, does not award any interest to be paid by the company on the above amount.

The winding up petition is admitted for a principal sum of Rs.4,49,943.72 together with a cost assessed at 400 GMs. The company is directed to liquidate the principal as well as the costs awarded for the litigation by nine equated monthly instalments.

FiRs. of such instalments shall be paid on or before 15th day of January, 2014.

All subsequent instalments shall be paid within 15th day of each succeeding month.

If the company pays off the entire amount in the manner as indicated above, this winding up petition shall remain permanently stayed.

In default of the payment of any instalments, the petitioning creditor shall be entitled to advertise this petition once in The Statesman and once in Bartaman.

The publications shall indicate that this winding up petition is returnable after four weeks from the date of publication.

The publication in the Official Gazette is dispensed with.

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

(HARISH TANDON, J.) bp.

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