

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Feb-03-2014

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CA No.479 of 2013 CP No.177 of 2011 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE IN THE MATTER OF: NEWAGE IMPEX PVT.LTD.AND GENSET (INDIA) PVT.LTD.BEFORE: The Hon'ble JUSTICE PATHERYA Date : 3rd February, 2014.

Mr.C.K.Dutta, Adv..for the petitioner.

The Court:-This day an extension is sought to file the schedule of assets within the extended time.

This order is sought as an order was passed on 5th March, 2012 sanctioning the scheme of amalgamation and the date in the said scheme was 31st March, 2011 instead of 31st March, 2010.

The effective date of the scheme was also mentioned as 1st April, 2010.

This mistake was detected by the Department at the time of drawing up and completion of the order.

Thereafter, an application was filed for making necessary corrections and an order was passed on 6th January, 2014 allowing such corrections.

The time as specified in the order dated 5th March, 2012 for filing of schedule of assets has expired, but no extension was sought.

This day such prayer is sought.

There exists no reason for granting extension this day, but in view of the order dated 6th January, 2014, the order dated 5th March, 2012 can not be allowed to become infructuous.

Admittedly laches, defaults and negligence is not on the part of the litigant but is a fault not only of the draftsman but also the advocate dealing with the case.

Therefore, time to file schedule of assets is extended by three weeks from date upon payment of costs of 1000 GMS to any charitable organisation of the applicants choice.

Such receipt of deposit be produced before the Department prior to filing of the schedule of assets.

Although CA No.479 of 2013 has been disposed of, it is only for the ends of justice that this order is passed today to give a meaningful effect to the order dated 5th March, 2012 and 6th January, 2014.

All parties are to act on a signed photocopy of this order on the usual undertakings.

(PATHERYA, J.) nm

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