

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Mar-27-2014

Judge : Arijit Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP4002013 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction IN THE MATTER OF : THE NEW TERAJ ASSOCIATION LTD @ NEW TERAJ ASSOCIATION LTD AND ANKIT & CO BEFORE: The Hon'ble JUSTICE ARIJIT BANERJEE Date : 27th March, 2014.

Appearance : Mr.Madhusudan Sarkar, Adv., Mr.Dipanjan Datta, Adv., for the petitioning creditor.

Mr.Mohit Gupta, Adv., for the supporting creditor.

Mr.Sayantana Bose, Adv., Mr.P.P.Naskar, Adv., for the company.

Mr.Sayan Datta, Adv., for the supporting creditor.

The Court : Company Petition No.400 of 2013 was filed by Ankit and Company for winding-up of the New Terai Association Limited.

Subsequently, it appears that the petitioning creditor and the company came to a settlement and the petitioning creditor agreed to accept a sum of Rs.30,90,000/- in full and final settlement of its claim against the company.

This was recorded by the Honble Justice Harish Tandon in an order dated September 20, 2013.

It was further recorded that a sum of Rs.5,00,000/- had already been paid on the date of signing the settlement and that the company has agreed to pay the balance by seventeen monthly instalments, out of which sixteen instalments would be for a sum of Rs.1,50,000/- each and the last one would be for Rs.1,90,000/-.

It is stated on behalf of the petitioning creditor that the cheque for Rs.5,00,000/- that had been handed over by the company was dishonoured.

An amount of only Rs.1,90,000/- on account of second instalment has been paid by the company.

In view of the companys default, advertisement has been caused to be published in terms of the order of the Honble Justice Harish Tandon.

The affidavit of compliance for publication of advertisement filed in Court today be kept on record.

Today the matter is appearing after advertisement.

The company will be at liberty to file its affidavit to try and resist the winding-up within a fortnight from date.

Affidavit-in-reply thereto may be filed by the petitioning creditor within a fortnight thereafter.

Let this matter appear in the list four weeks hence.

It is stated on behalf of Ankit and Company that it has filed another winding-up petition against this company being CP No.75 of 2014 for realisation of the amount of the dishonoured cheque.

Let the said winding-up petition appear along with the present winding-up petition four weeks hence.

(ARIJIT BANERJEE, J.) sd/

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