

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1152193

Court : Kolkata

Decided On : Jun-17-2014

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP No.485 of 2011 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction HUMAYAN PROPERTIES LTD.AND BHARTI AIRTEL LTD.BEFORE: The Hon'ble JUSTICE PATHERYA Date : 17th June, 2014.

Mr.Reetobroto Mitra, Sk.Nurul Arefin for petitioner.

The Court : This matter has appeared at the post advertisement stage.

By order dated 10th June, 2013 direction was given for filing an affidavit-in-opposition.

Such affidavit has also been filed.

On 23rd September, 2013 the company informed the Court that there was all possibility of settlement between the parties.

The sum of Rs.5 lakhs directed to be deposited by order dated 14th January, 2013 has also been returned to the company by order dated 23rd September, 2013.

The principal sum has also been paid and all that now needs to be paid to the petitioning creditor by the company is sums on account of interest which sum was to be paid within a fortnight from the order dated 3rd September, 2012.

The said order was challenged in appeal which appeal was disposed of by order dated 14th January, 2013.

As the order dated 3rd September, 2012 was not interfered with the sum on account of interest was to be paid within a fortnight from the order dated 14th January, 2013.

The said sum on account of interest has not been paid.

None has also appeared on behalf of the company this day.

All that has been sought to be alleged is a due of Rs.13,56,843/- on account of sales tax or VAT but no contemporaneous document has been annexed to the affidavit filed at the post advertisement stage.

The inability of the company to pay its debt is apparent and accordingly the company is wound up.

Let steps be taken by the Official Liquidator to take possession of the books, records, documents, assets and properties of the company now in liquidation.

Urgent certified photocopy of this order be supplied to the parties, if applied for, upon compliance of all requisite formalities.

(PATHERYA, J.) pa

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