

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1153569

Court : Kolkata

Decided On : Jul-01-2014

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP NO.201 OF 2014 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE IN THE MATTER OF: M/S.XENITIS INFOTECH LTD -ANDIN THE MATTER OF: SMT.

SUPTA LALA BEFORE: The Hon'ble JUSTICE PATHERYA Date : 1st July, 2014.

MR.N.DASGUPTA, MR.S.GHOSAL,ADVOCATES FOR PETITIONING CREDITOR The Court : In spite of service of the order dated 31st March, 2014 no affidavit has been filed by the company nor is the company represented through counsel this day.

Affidavit of service filed be kept on record.

The claim in this winding up petition arises on account of price of goods sold and delivered.

Goods were supplied bill raised and received by the company.

as no payment was forthcoming a statutory notice was issued on 24th January, 2014 and although the said was received by the company no reply has been given thereto.

This therefore raises the statutory presumption of the inability of the company to pay its debts which the company has not rebutted either by filing a reply to the statutory notice or an affidavit in opposition.

This, therefore, entitles the petitioning creditor to its claim being admitted.

Accordingly, C.P.No.201 of 2014 is admitted for the sum of Rs.5,82,791 along with interest payable by 8% per annum on and from the date of issuance of the statutory notice till realisation.

An opportunity is given to the company to make payment of the said sum mentioned above in two equal monthly instalments.

The fiRs.of such instalment be paid by 30th July, 2014 and the 30th day of the succeeding month.

In default of payment of any one instalment, the petitioning creditor will be entitled to advertise once in Sambad Pratidin and The Statesman.

Matter is made returnable eight weeks hence.

The petitioning creditor is directed to communicate this order to the non-appearing respondent company.

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

(PATHERYA, J.) sb.

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