

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jul-15-2014

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CA No.187 of 2014 With CP No.179 of 2013 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction IN THE MATTER OF : JESSOP AND Co.LTD.AND SUBRATA KUMAR BISWAS AND JESSOP & COMPANY LTD..

Applicant.

BEFORE: The Hon'ble JUSTICE PATHERYA Date : 15th July, 2014.

Mr.Jishnu Saha, Sr.Adv., Mr.Madhu Sudan Sarkar, Mr.Avik Dhar for petitioning creditor.

Mr.Utpal Bose, Sr.Adv., Ms.Urmila Chakraborty, Ms.Ruby Jaiswal for the company.

The Court : The 37 supporting creditors seek an order as passed on 8th July, 2014 in favour of Murli Raj Bhar that is to direct the company to secure its claim on account of gratuity by creating fixed deposits.

Such order would have been passed if the case of the 37 supporting creditors was similar to that of Murli Raj Bhar.

In the case of Murli Raj Bhar two several cheques amounting to the sums on account of gratuity had been issued which were dishonoured.

Therefore, the claim crystallised and the amount was undisputed.

It is only for this reason the order dated 8th July, 2014 was passed.

Such is not the case in respect of the 37 supporting creditors as no cheque has been issued by the company in favour of the said supporting creditors nor has the claim been admitted.

petition In fact, which was each of the disallowed by 37 supporting order dated creditors 3rd had February, filed 2014.

company Pursuant thereto the 37 supporting creditors have filed their claim with the Controlling Authority under the 1972 Act.

Therefore, as adjudication is awaited no order can be passed in respect of the said 37 supporting credit ORS. As the dues of the petitioning creditor on account of advertisement cost and interest remains unpaid, the company petition cannot be permanently stayed this day and for such purpose matter is directed to appear on 18th July, 2014 as For Orders.

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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