

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1161315

Court : Kolkata

Decided On : Aug-14-2014

Judge : Biswanath Somadder

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP No.468 of 1999 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE DIAMOND SHIPPING CO.LTD.AND ORIENT EXPRESS LINES LTD.BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER Date : 14th August, 2014.

Mr.Siddhartha Mitra, Sr.Advocate, Mr.S.Datta, Adv.appear for petitioning creditor.

The Court : Even at the time of second call, the company is not represented.

It is submitted by the learned counsel for the petitioning creditor that in the affidavit-in-opposition filed by the company a contrary stand has been taken which is in contrast to the specific stand taken by the company in its reply to the statutory notice.

There is no plausible reason as to why this Court would allow the company to come out with a defence which was not even in its reply to the statutory notice.

The claim of the petitioning creditor is on account of providing services to the company.

The claimed amount as per the statutory notice is US\$ 98,983.92 together with interest as stated in paragraph 10 of the application.

In such circumstances, the Company Petition no.468 of 1999 is admitted for a principal sum of US\$ 98,983.92 together with interest at the rate of 8% per annum to be calculated from the date of the statutory notice till actual payment.

If the company pays off the entire amount inclusive of interest 2 and cost, within four weeks from date, the instant petition shall remain permanently stayed.

In default, the petition will be advertised once in The Statesman and once in Bartaman.

The advertisement should indicate that the matter will appear before the Court one week after the long vacation.

Publication in the Official Gazette stands dispensed with.

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

(BISWANATH SOMADDER, J.) pa

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