

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1162388

Court : Kolkata

Decided On : Aug-21-2014

Judge : Biswanath Somadder

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE CP No.380 of 2012 IN THE MATTER OF : M/S.SIDDHA SADAN PVT.LTD.-AND- M/S.GARODIA SECURITIES LTD.BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER Date : 21st August, 2014.

Appearance: Mr.Anuj Singh, Advocate Mr.Anirunddha Mitra, Advocate Mr.A.Raha, Advocate The Court : Having heard the learned counsel appearing for the parities and upon perusing the instant application as well as the pleadings filed in connection thereto, it appears that the company has not been able to come up with any plausible defence to counter the case of the petitioning creditor as pleaded in the winding up application.

Even the statutory notice, which was issued by the petitioning creditor, was not replied to by the company.

In the facts and circumstances of the instant case, there is no hesitation to hold that the company is liable to pay a sum of Rs.43,50,000/- lakhs in terms of the statutory notice together with interest @ 12% per annum to be calculated from the date of the statutory notice, till the date of actual payment.

If the company pays the 2 principal amount together with interest up-to-date within six weeks from the date of receipt of a photostat certified copy of this order, this winding up petition shall remain permanently stayed.

In default, the petitioning creditor shall be at liberty to advertise for winding up of the company, once in The Statesman and once in Bartaman.

The advertisements should indicate that the instant matter would appear before this Court after expiry of a period of four weeks from the date of publication being made in terms of this order.

Publication in the Official Gazette is dispensed with.

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

(BISWANATH SOMADDER, J.) sb

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