

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Aug-26-2014

Judge : Biswanath Somadder

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP No.19 of 2013 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE IN THE MATTEER OF: CHOWDHURY PACKAGING PVT.LTD.AND IN THE MATTER OF: PURANDAR INVESTMENT PVT.LTD.BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER Date : 26th August, 2014.

Appearance : Mr.Bidyut Dutta, Adv.Mr.Bijan Dutta, Adv.for the petitioner The Court: Affidavit of service filed in Court today on behalf of the petitioning creditor be taken on record.

This matter had earlier appeared before this Court on 21st February, 2014 at the post advertisement stage when none appeared on behalf of the company.

Directions were given for filing of affidavits.

This order was communicated to the respondent company as also its direct ORS. However, the company has chosen not to file any affidavit-in-opposition in the matter.

It is evident from the records that on 15th March, 2013 the winding up petition was admitted for a principal sum of Rs.12,36,037/- together with interest at the rate of eight per cent per annum from 16th October, 2012, being the date of the statutory notice.

A fortnights time was given to the company to pay off the amount as indicated in the order dated 15th March, 2013.

In default, publication of newspaper advertisements was directed.

It is quite clear that the company is not in a position to pay off its debts even at the post advertisement stage.

As such, the company namely, Chowdhury Packaging PVT.Ltd., is directed to be wound up in accordance with the provision of the Companies Act.

The Official Liquidator will forthwith take possession of all the assets and properties of the company now in liquidation and take charge of its books, records, documents and transactions.

The petitioner will cause a gist of this order to be published in the same newspapers where the winding up petition had been advertised.

The petitioner will also be entitled to pursue its claims in accordance with law before the Official Liquidator.

The petitioner will be entitled to costs of the advertisement, both at the initial stage and at the final stage, as liquidation expenses, to come out fiRs.from the assets of the company in liquidation.

The effect of this order however shall be kept in abeyance for a period of three weeks from date to enable the respondent company one last opportunity to pay off its debts as per the Courts order dated 15th March, 2013.

The application is accordingly disposed of.

(BISWANATH SOMADDER, J.) akb/

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