

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Sep-18-2014

Judge : Biswanath Somadder

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP No.705 of 2014 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE IN THE MATTER OF : M/S.R.B.HORSTICULTURE & ANIMAL PROJECTS LTD.AND IN THE MATTER OF : SACHINDRA NATH MANDA BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER Date : 18th September, 2014.

Appearance : Mr.Arun Kumar Das, Adv.for the petitioner The Court: Let affidavit of service filed in Court today be taken on record.

In spite of service, the company remains unrepresented even at the time of second call.

The petitioners claim is on account of fixed deposit receipts issued by the respondent company for a total amount of Rs.1,10,000/-.

Those fixed deposit receipts have matured on various dates between July, 2012 and January, 2014.

The statutory notice dated 25th May, 2014 was not replied to by the company.

As such, there is a presumption of the companys inability to pay its debts.

In such circumstances, the company is liable to be wound up.

Accordingly, the petition is admitted for a sum of Rs.1,10,000/- together with the agreed rate of interest to be calculated from the date of statutory notice till the date of actual payment.

If the company pays the aforesaid sum together with interest within a period of six weeks from the date of communication of this order, this winding up 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 on the fiRs.available working date when this Court taken up Company Matters after the expiry of a period of four weeks from the date of publications being made.

The publication in the Official Gazette will stand dispensed with.

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

(BISWANATH SOMADDER, J.) akb/

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