
(2008) 01 CAL CK 0002
In the Calcutta High Court
Case No : C.P. No. 349 of 2007

Jagdev Prasad Bajaj and Others

APPELLANT

Vs

Tirrihanah Co. Ltd. (No. 1)

RESPONDENT

Date of Decision : 08-01-2008

Acts Referred:

Companies Act, 1956 — Section 433, 434, 439

Citation : (2009) 148 CompCas 166

Hon'ble Judges : Patherya, J

Bench : Single Bench

Judgement

Patherya, J.—This is an application filed under Sections 433, 434 and 439 of the Companies Act, 1956. The case of the petitioner is that for price of goods, sold and delivered bills were raised for a sum of Rs. 11,19,975 on the company. Against the said bills part payment of Rs. 8,63,126 was made and after giving credit for such payment, a sum of Rs. 2,56,849 remains outstanding and payable by the company to the petitioner. Neither the bills nor the goods have been disputed by the company and for non-payment during the stipulated time, statutory notice was issued on August 13, 2007. The said notice though received by the company was not replied to. By non-payment the company has evidenced its inability to pay its debts ; hence the instant application has been filed.

2. None appears on behalf of the company in spite of service.

3. Having considered the facts of the case, the winding up petition is admitted for a sum of Rs. 2,56,849. The company is directed to pay the said sum in four instalments. The first of such instalment to be paid by January 29, 2008 and the balance instalments by the 29th of each succeeding month. The company will also pay interest at the rate of 12 per cent. per annum on the principal amount on the reducing balance. Such interest will be paid along with the last instalment.

4. In default of payment of any one instalment the petitioner will be at liberty to advertise once in Aajkal and once in The Telegraph.

5. The petitioner is directed to communicate this order to the company.
6. Matter is made returnable in the monthly list of March, 2008.
7. Urgent xerox certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.