

(2009) 10 CAL CK 0013
In the Calcutta High Court

Case No : CA No. 651 of 2009, CP No. 128 of 2007 and CP No. 281 of 2009

Sri Dayal Saha and Another

APPELLANT

Vs

Official Liquidator
 SST Media Pvt. Ltd. Vs Jogesh
Kumar Saha, Sole Proprietor of J.K. Advertising

RESPONDENT

Date of Decision : 28-10-2009

Acts Referred:

Citation : (2009) 10 CAL CK 0013

Hon'ble Judges : Aniruddha Bose, J

Bench : Single Bench

Advocate : S.B. Mukherjee and Bimal Chatterjee and Somen Sen, P.C. Sen and Shyam Sarkar, appeared Sutapa Sanyal in CP No. 39 of 2009, S.N. Panday and Manju Bhutoria, in CP No. 52 of 2008, for the Appellant; S.N. Mukherjee and Joyanta Mitra and Ruma Sikdar Advocate, for the Respondent

Judgement

Aniruddha Bose, J.—The Company involved in this present proceeding being M/s. SST Media Pvt. Ltd.[in liquidation] is engaged in the business of running a television channel. On the allegation of inability of the Company to discharge its debts, at the instance of creditors of the company, order for winding up had been passed on 21st May 2009. Subsequently, a group of employees approached this Court with a plea for revival of the Company in liquidation and at their instance on 1st September 2009 this Court had stayed further proceedings in relation to the winding up of the Company. It appears that the employees of the Company had approached a financier/investor from another Company being R.P. Techvision (India) Pvt. Ltd. for the purpose of obtaining finance for revival of the Company. The order staying further proceedings has been extended from time to time and subsists at present.

2. Mr. Bimal Chatterjee, learned Senior Counsel appearing for the R.P. Techvision (India) Pvt. Ltd., submitted that his clients have already deposited a sum of Rs. 2 crores with the Official Liquidator, pursuant to the direction of this Court issued on 22 September 2009. Today, an affidavit has been filed by one Rana

Bandopadhyay on behalf of R.P. Techvision (India) Pvt. Ltd. bringing to the notice of this Court that the Company's registration with DAVP is lapsing on 31st October 2009. Prayer is made for permitting the Company to renew the registration which would entitle to the Company to receive television advertisement from the Central Government. Having considered the fact that a sum of Rs. 2 crores has already been paid and it is not in dispute that the channel is operating as of now, I direct the Official Liquidator to apply for renewal of the registration on behalf of the Company forthwith before the Directorate of Advertising and Visual Publicity [DAVP]. If such an application is filed, the Directorate of Advertising and Visual Publicity [DAVP] will treat the same as an application of the Company itself and the fact that the Company is in liquidation should not debar the Company from getting the renewal of registration. Any fees required for making application for renewal shall be paid by the Official Liquidator from the funds available with him and R.P. Techvision (India) Pvt. Ltd. will reimburse the said sum to the Official Liquidator. R.P. Techvision (India) Pvt. Ltd. and the employees of the Company, at whose instance further proceedings in connection with the winding up application was stayed, shall assist the Official Liquidator with documentation for the purpose of renewal. Let the matter appear in the list on 3rd November 2009.

3. All parties concerned are to act on a xerox signed copy of this order on the usual undertakings.