

OD-139 to 141

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IA NO. CA/5/2023
IN CP/22/1989

IN THE MATTER OF:
KHEMKA PLASTIC UDYOG LTD. (IN LIQN.)
AND
ASHOK RANJAN DAS
-VS-
O/L

AND

IA NO. CA/6/2023
IN CP/22/1989

IN THE MATTER OF:
KHEMKA PLASTIC UDYOG LTD. (IN LIQN.)
AND
ASHOK KHEMKA, APPLICANT
-VS-
THE O/L, HIGH COURT, CALCUTTA, RESPONDENT

AND

IA NO. CA/7/2024
IN CP/22/1989

IN THE MATTER OF:
KHEMKA PLASTIC UDYOG LTD. (IN LIQN.)
AND
ASHOK KHEMKA
-VS-
OFFICIAL LIQUIDATOR

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 22nd August, 2024.

Appearance:*Mr. Soumabho Ghose, Adv.**Ms. Tiana Bhattacharyya, Adv.**Mr. Dilip Kr. Ghosh, Adv.**. . .for the applicant in Item Nos.140 & 141**Ms. Tanushree Dasgupta, Adv.**. . .for the Official Liquidator.*

The Court: A status report filed today by the Official Liquidator in the form of a supplementary affidavit be kept on record.

Learned counsel appearing for the petitioner in CA/6/2023 and CA/7/2024 contends that the petitioner has sought a revival of the company. It is submitted that in the event the prayer is accepted, there shall be a permanent stay of the liquidation proceedings, which will entail that the claims have to be made by the creditor to the company directly.

However, it is submitted that the petitioner, to meet the exigencies which may occur in respect of payment due from the company, is agreeable to keep on reserve a reasonable amount for the purpose of meeting such expenses.

Learned counsel for the Official Liquidator submits that the undertakings, as insisted upon by the Official Liquidator, ought to be given by the petitioner in order for the revival to take place.

Learned counsel for the petitioner submits that the petitioner is agreeable to give such undertakings and to back up the same by some deposits to be made in Court.

Since none appears to represent the petitioner in CA/5/2023, which is in the nature of a disclaimer, and since the outcome of the other two applications

shall have a direct bearing on the same, as a last chance to the petitioner in CA/5/2023 to appear and move the application, the learned Advocate-on-Record for the petitioner in CA/6/2023 and CA/7/2024 shall serve a notice on the learned Advocate-on-Record for the petitioner in CA/5/2023 indicating that the matters shall next be listed on August 29, 2024 for passing further orders and file a receipt in that regard on the next returnable date.

On the next returnable date, the petitioner in CA/6/2023 and CA/7/2024 shall also file an affidavit in the form of a rejoinder to the affidavit-in-opposition of the Official Liquidator, disclosing the suggested modalities of the revival of the company.

An advance copy of the same shall be handed over to the learned advocate for the Official Liquidator.

(SABYASACHI BHATTACHARYYA, J.)

bp./R.Bhar