

OD - 16

ORDER SHEET

IA NO. CA/5/2021
In CP/699/2015

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

RE : SANTIPARA TEA CO LTD
-AND-
M/S SUBIR PAUL

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
Date: 3rd February, 2021.

Appearance:
Mr. Nishanath Mukherjee, Adv.

Mr. A.K. Awasthi, Adv.

The Court : The applicant/petitioner filed an application for winding up of Santipara Tea Company Limited on the ground that the company was unable to pay its debts to the petitioner.

Learned Advocate for the petitioner submits that from time to time orders have been passed by this Court but no winding up order has been passed. In the meantime the petitioner has settled its disputes with the company and accordingly has taken out this application for withdrawing the company petition since Rule 100 of the Companies (Court) Rules, 1959 requires a petitioning creditor to obtain leave of Court before withdrawing the winding up petition.

Having heard learned counsel for the parties, I see no reason to deny the prayer of the petitioner. Accordingly, there will be an order in terms of prayer (a) of the Judge's Summons.

CA No.5 of 2021 along with CP No.699 of 2015 is accordingly disposed of.

(ARIJIT BANERJEE, J.)