

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
COMA No. 5 of 2017

Brahaspati Iron And Steel Company Private Limited A Company Incorporated Under The Relevant Provisions Of The Companies Act, 1956, Through Its Director Having Its Registered Office At A-29, Amrapali Society, In Front Of M M I Hospital, Pachpedi Naka, Raipur, P. S. Tikrapara, Raipur, Chhattisgarh 492001

---- Appellant

Versus

Aarati Sponge And Power Limited A Company Incorporated Under The Relevant Provisions Of The Companies Act, 1956, Having Its Registered Office At Aarti House, Ashoka Ratna, Vidhan Sabha Road, Shankar Nagar, Raipur P. S. Mowa, Raipur, District Raipur, Chhattisgarh, Through Its Director Dr. Manish Kumar Mandal

---- Respondent

For Appellant	: Shri Sachin Singh Rajput, Advocate.
For Respondent	: Shri Ankit Singhal, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

19/11/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard on I.A. No.01 of 2017, application for condonation of delay of 239 days in instituting the appeal. We are not satisfied with the reasons indicated therein, therefore, condonation application is fit to be dismissed and is hereby dismissed. Besides the above, we tried to go into the merits of the appeal as well to satisfy our judicial conscious as if the Appellant has a case.
2. Perused the order dated 27.07.2016. The learned Company Judge after examining the explanation for non-payment came to a conclusion that there is no supporting evidence or material to justify non-payment of various outstanding dues for supply, which were admittedly made to the Appellant-Company. It is because of failure on their part to honour and settle the dues that batch of the company petitions came to be filed.

3. Not finding any bonafide in defence so taken and keeping in mind that a similar order had already been passed in Company Appeal No.8 of 2015, in which issuance of advertisement had been issued on 04.04.2016, the learned Company Judge has taken a consistent view, in which we do not find any infirmity.

4. In the result, we do not find any merit even otherwise to interfere. The Company appeal stands dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE