

OD-6

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/203/2024
WITH
CP/324/1991
IA NO: ACO/1/2024, ACO/2/2024

RE TEA TRADING CORP OF INDIA LTD (IN LIQN)
VS
DARJEELING NATURAL PRODUCTS PVT LTD
-VS-
THE O/L

BEFORE:
The Hon'ble JUSTICE SOUMEN SEN
AND
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date : 7th November, 2024

Appearance:
Mr. Nishant Kr.Saraf, Adv.
Mr. Rahul Karmokar, Adv.
Mr. Sounak Mukherjee, Adv.
Ms. Rima Biswas, Adv.
... for the appellant.

Ms. Tanushree Dasgupta, Adv.
... for the O/L.

The Court:- IA NO: ACO/1/2024 is an application for condonation of delay of 279 days in filing the appeal. We are satisfied with the explanations offered for such delay. Therefore, the delay of 279 days in preferring the appeal is condoned. IA NO: ACO/1/2024 stands disposed of.

The application for disclaimer was dismissed by learned single Judge on the ground that the company petition being CP/324/1991 has already been disposed of on 19th November, 2012. The learned Counsel for the appellant has referred to an order passed in a writ proceeding on 29th September, 1995

by which the learned single Judge passed an interim order to the extent that if any step is taken by the company in liquidation, the same shall abide by the result of the writ application. The company in the meantime went into liquidation and it does not appear that the writ petition was proceeded with against the company in liquidation. The Official Liquidator was not substituted in the writ petition and no leave was obtained to proceed against the Official Liquidator. However, on 2nd September, 2005 an application was filed for disclaimer but the same was not pursued. The Official Liquidator has submitted that while taking possession of the assets and properties of the company in liquidation the Official Liquidator has not received any such sum and at this distinct point of time after the liquidation proceeding is completed it would be impossible for the Official Liquidator to ascertain the same. There is a long inexplicable delay on the part of the applicant. The proceedings have been concluded. Only the formal order of dissolution is awaited. As such, there is no justification to interfere with the order passed by learned single Judge.

Therefore, the matter stands dismissed.

Accordingly, the application stands disposed of.

(SOUMEN SEN, J.)

(AJAY KUMAR GUPTA, J.)