

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL UNDER STATE FINANCIAL CORPORATION ACT NO. 2
OF 2010.**

The EDC Limited, a Company
registered under the Companies
Act, 1956, and having its
registered office at EDC House, 1st
Floor, Dr. Atmaram Borkar Road,
Panaji-Goa.

..... Appellant.

Versus

1. M/s Goa Food & Pharma (P)
Ltd., 109, Kundaim Industrial
Estate, Ponda-Goa (403
4010;
OR
White House, 1933/19,
Govind Puri Extension,
Extension, New Delhi -110
019

2. Smt. Neena Chawla, House
No. 209, Munirka Vihar, New
Delhi;
OR
H-51/C, Saket, New Delhi-110
017.

3. Shri Ranji Kumar Chawla,
House No. 209, Munirka
Vihar, New Delhi;
OR
H-51/C, Saket, New Delhi-110
017.

..... Respondents.

Mr. D. Pangam, Advocate for the petitioner.

Mr. S. M. Singbal, Advocate for the respondents.

**Coram:-F. M. REIS,
K. L. WADANE, JJ.**

Date:-26th August, 2015.

ORAL JUDGMENT (Per F. M. Reis, J.

After extensively hearing the above appeal Shri S. M. Singbal, learned Counsel appearing for the respondents upon instructions points out that the respondents desire to withdraw the application under Order 7 Rule 11 of C.P.C. filed by the respondent dated 3.6.2008, keeping all their contentions open to the effect that the proceedings initiated by the appellant are barred by limitation.

2. Mr. D. Pangam, learned counsel appearing for the appellant submits that the impugned order passed by the learned Judge has to be set aside and all the contentions of the appellant on merits are to be left open in case the respondents desire to withdraw the said application.

3. In the peculiar facts and circumstances of the case, the application dated 3.6.2008 is dismissed as withdrawn. Consequently, the impugned order dated 15.6.2009, in the facts and circumstances of the case is quashed and set aside.

4. Learned Judge is accordingly directed to decide the application under Section 31(1)aa of the State Financial Corporation Act, 1951 filed by the appellant, after hearing the respondents, in accordance with law. All the contentions of both the parties are left

open.

5. Appeal stands disposed of accordingly, with no order as to costs.

K. L. WADANE,J.

F. M. REIS,J.

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