

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.909 OF 2015
IN
WRIT PETITION NO.6187 OF 2014**

Hindustan Unilever Limited : Applicant/Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

**Mr. Virendra V Tulzapurkar Senior Advocate with Ms. Shama Maitra i/by
Wadia Ghandy & Co. for the Applicant/Petitioner.**
**Mrs. Neha Palshikar-Bhide "B" Panel Counsel for the Respondent Nos.1
and 2.**

CORAM : R. M. SAVANT, J.
DATE : 30th April 2015

P.C.

1 The above Civil Application has been filed for modification of the order dated 7/7/2014 to the extent sought by prayer clause (a) of the above Civil Application. The said prayer clause (a) reads as under :-

(a) The Hon'ble Court be pleased to modify the Order dated 7th July 2014 to the extent that the Petitioner be allowed to furnish a bank guarantee for a sum of Rs.36,68,71,814/- in place of the undertaking and solvency certificate"

2 The above Petition has been admitted and interim reliefs in terms of prayer clause (b) and (c) of the above Petition have been granted on the condition that the Petitioner continues the undertaking and the solvency certificate which were directed to be furnished by a learned Single Judge of this Court in the earlier round i.e. by the order dated 22/11/2012 passed in Writ Petition No.1336 of 2012.

3 The subject matter of the above Petition is the demand of unearned income to the tune of Rs.36,68,71,814/- (Rupees Thirty Six Crores Sixty Eight Lacs Seventy One Thousand Eight Hundred and Fourteen). It is in the said circumstance that the security which was directed to be furnished in the earlier round was directed to be continued.

4 By the above Civil Application, the Applicant/original Petitioner, in stead of the undertaking and the solvency certificate, seeks to furnish a Bank Guarantee in the said sum of Rs.36,68,71,814/- which Bank Guarantee would be continued pending the hearing and disposal of the above Petition. By the interim order security was directed to be provided so as to protect the interests of the State in so far as the unearned income is concerned. In my view, if the Bank Guarantee is furnished, the same would protect the interest of the State pending the above Petition. Resultantly, the above Civil Application would have to be allowed and is accordingly allowed in terms of prayer clause (a). Since the learned Senior Counsel appearing for the Applicant/Petitioner states that Bank Guarantee of a nationalized bank would be furnished within two weeks from date, the undertaking and the solvency certificate to be continued for a period of two weeks or till the Bank Guarantee is furnished. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]