

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.58 OF 2015
IN
COMPANY PETITION NO.792 OF 2014
WITH
NOTICE OF MOTION (L) NO.78 OF 2015

Hindustan Dorr and Oliver Limited	Appellant
versus	
M/s.State Pipe and Supply Company	Respondent

Ms.Shilpa Kapil for appellant.
Mr.Nitesh Bhutekar for respondent.

CORAM : MOHIT S. SHAH, C.J. AND
A.K.MENON, J.
DATE : 13 August 2015

PC :

In our order dated 8 June 2015, we had recorded the statement of learned counsel for the appellant that the appellant is ready to pay Rs.1.03 crores to the respondent in equal monthly installments of Rs.5 lakh each, over and above the amount of Rs.30 lakhs paid by the appellant to the respondent earlier. In view of the above statement recorded in order dated 8 June 2015, we had directed that ad-interim stay granted earlier against the impugned order, shall continue on condition that the appellant pays the respondent a sum of Rs.20 lakhs over and above a sum of Rs.30 lakhs paid earlier.

2. Since that amount of Rs.20 lakhs was not paid by the appellant, by order dated 6 July 2015, we granted the appellant

further time to pay Rs.10 lakhs by 16 July 2015 and another Rs.10 lakhs by 31 July 2015. So far the appellant has paid only Rs.10 lakhs to the respondent over and above Rs.30 lakhs paid earlier. However, in spite of extension of time limit upto 7 August 2015, the appellant has not paid a sum of Rs.10 lakhs which was to be paid by 7 August 2015.

3. Having seen the conduct of the appellant in not paying even 50% of the amount which the appellant has admitted to be due and payable to the respondent, we are not inclined to grant any further indulgence in favour of the appellant. Hence, no interference is called for with the impugned order by which the learned Company Judge has merely admitted the company petition and directed the publication of advertisement.

4. In the result, the appeal is dismissed. The ad-interim stay granted earlier stands vacated.

5. In view of dismissal of Appeal, Notice of Motion (L) No. 78 of 2015 does not survive and stands dismissed as such.

(CHIEF JUSTICE)

(A.K. MENON, J.)