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

**COMPANY PETITION NO. 373 OF 2014
WITH
COMPANY APPLICATION NO.256 OF 2014
IN
COMPANY PETITION NO.373 OF 2014**

M/s Lafarge India Pvt. Ltd. ...Applicant/Petitioner
VS
M/s Fine Art Project Management Consultants Pvt.Ltd...Respondent.

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Mr Nimay Dave a/w Mayur Bhojwani i/b Manilal Kher Ambalal & Co. for the
Petitioner
Mr Rafeeq Peermohideen i/b Jeetendra Sachdev for the Respondent.
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**CORAM : S.C. GUPTE, J.
JUNE 25, 2015**

P.C. :

Heard the learned Counsel appearing for parties. The following order is passed by consent.

1 The Respondent admits the principal amount of Rs.65,82,011/- as due and payable by the Respondent to the Petitioner. The Respondent undertakes to pay the principal amount in three installments and has, accordingly, drawn three separate cheques as indicated below, towards the full and final settlement of the principal amount of the Petitioner's claim.

- (a) By cheque of Rs.20,94,000/- dated 25 September 2015;
- (b) By cheque of Rs.20,94,000/- dated 25 December 2015;
- (c) By cheque of Rs.20,94,011/- dated 25 March 2016.

2 The Respondent is directed to pay a sum of Rs.10,00,000/- in full and final settlement of the Petitioner's claim, towards the interest on the principal amount due and payable. Such interest amount shall also be paid by the

following installments.

- (d) Rs.3,30,000/- on or before 25 September 2015;
- (e) Rs.3,30,000/- on or before 25 December 2015;
- (f) Rs.3,40,000/- on or before 25 March 2016.

3 Upon payment of the entire amounts as indicated in clauses (a) to (f) above, the parties shall have no claim against each other. In the event of dishonour of any of the cheques indicated above, the Petitioner will be at liberty to adopt all such criminal or civil proceedings as it may be advised in addition to its rights provided under the present order.

4 The Respondent has agreed that in the event of the Respondent committing default in payment as undertaken in clauses (a) to (f) hereinabove, the Company Petition shall without reference to this Court revive, stand admitted, made returnable within six weeks from the date of default and advertised in two local newspapers i.e. Free Press Journal (in English) and Navshakti (in Marathi) and in the Maharashtra Government Gazette. The Petitioner shall deposit an amount of Rs.10,000/- with the Prothonotary and Senior Master of this Court towards publication charges, within two weeks from the date of default, with intimation to the Company Registrar failing which the Petition shall stand dismissed for non prosecution. In the event of such default the Official Liquidator shall forthwith stand appointed as provisional Liquidator and shall immediately take charge of the records as well as the movable and immovable properties / assets of the Companies. Notice under Rule 28 of the Companies (Court) Rules, 1959, shall also stand waived on behalf of the Companies.

5 The Company Petition is accordingly disposed of. In view of the disposal of company Petition, nothing survives in the Company Application and the same is also disposed of accordingly.

(S.C.GUPTA J.)