IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO. 390 OF 2014

IN

COMPANY PETITION NO. 464 OF 2012

Goldwin Health Care Private Limited ... Applicant

IN THE MATTER BETWEEN :

Cinemax India Limited ... Petitioner

Versus

Goldwin Health Care Private Limited ... Respondent

Mr. Anand Mishra i/b. A.M. Saraogi for the Applicant.
Ms. Shalaka Mali i/b. Ashok Purohit and Company for the Petitioner.

CORAM : S.J. KATHAWALLA, J.
DATED : 25TH MARCH, 2015

P.C.:

1. By the above Application, the Applicant seeks the following relief :

> "(a) that this Hon'ble Court be pleased to extend the time to furnish the bank guarantee for sum of Rs.35 Lacs in favour of Prothonotary and Senior Master, High Court, Bombay as per the order dated 13th March, 2014 for a period of four weeks and the effective part of the order dated 13th March, 2014 of admitting the Petition in default be set aside on such terms and conditions as this Hon'ble

Court may deem fit and proper".

2. The learned Advocate appearing for the Petitioner states that the Petitioner has no objection if the prayer as sought is granted.

3. Time to furnish the bank guarantee for the sum of Rs.35 Lacs in favour of the Prothonotary and Senior Master of this Court as per the order dated 13th March, 2014 is therefore extended upto 15th April, 2015.

4. In the event of Applicant / Respondent failing to furnish the bank guarantee during the extended period, 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 Company. Notice under Rule 28 of the Companies (Court) Rules, 1959 shall also stand waived on behalf of the Company.

5. The above Application is accordingly disposed of.

(S.J. KATHAWALLA, J.)