

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

COMPANY PETITION NO.105 OF 2014

Integral Infra Consult Pvt. Ltd. ... Petitioner
V/s.
Overseas Infrastructure Alliance (I) Pvt. Ltd. ... Respondent

Mr. Deepak M. Sharma, for Petitioner.
Mr. Atul Damle, Sr. Advocate i/by Mr. R.R.Lanjekar, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 19th JANUARY, 2015

PC.

1. Heard the learned Advocates for the parties and the following order is passed by consent :

(i) The Respondent Company shall deposit an amount of Rs.61,50,000/- with the Prothonotary and Senior Master of this Court within a period of eight weeks from today.

(ii) Upon deposit of the said amount, the Respondent Company shall forthwith inform the Petitioner as well as their Advocate that the said amount has been deposited with the Prothonotary and Senior Master of this Court.

(iii) Within two weeks from the date of deposit of the said amount of Rs.61,50,000/- by the Respondent Company, the Petitioner shall file a Suit before the appropriate Court pertaining to the subject matter of this Petition.

The Petitioner shall also forthwith inform the Advocate for the Respondent Company and forward a complete copy of the Plaint in the Suit to the Respondent Company.

(iv) Upon filing of the said Suit before the appropriate Court, the Prothonotary and Senior Master shall transfer the said amount to the suit Account of the Plaintiff and shall invest the said amount in a nationalized bank for a period of one year at a time. However, the direction to invest the said amount would be subject to any ad-interim / interim orders passed by the Court in which the said Suit is filed by the Petitioner.

(v) Both the parties are at liberty to take out appropriate proceedings seeking ad-interim / interim reliefs qua the deposit amount in the said Suit which will be decided on its own merits.

(vi) All contentions of the Parties are kept open.

(vii) In the event of the Respondent Company failing to deposit an amount of Rs.61,50,000/- within a period of eight weeks from today, the Company Petition shall stand revive, without reference to this Court. The entire amount claimed by the Petitioner shall become due and payable to the Petitioner by the Respondent Company. The Company Petition shall 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

Maharashtra Times (in Marathi) and in the Maharashtra Government Gazette.

(viii) Upon such default, the Petitioner shall, within one week from the date of default, deposit with the Prothonotary and Senior Master, a sum of Rs.10,000/- (Rupees Ten Thousand) towards publication charges, failing which the Company Petition shall stand dismissed for want of prosecution.

(ix) The Company Petition is accordingly disposed of with no order as to costs.

(S.J.KATHAWALLA, J.)