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

COMPANY PETITION NO. 540 OF 2014

M/s Manibhadra Graphic	...Petitioner
VS	
M/s Unik Printers Pvt. Ltd.	...Respondent.

.....
Mr Rakesh Piprodia i/b RMP Legal for the Petitioner
Mr Vishal Kanade i/b Raj Baid for the Respondent.
.....

CORAM : S.C. GUPTA, J.

OCTOBER 05, 2015

P.C. :

This Petition is filed by the Petitioner on the basis of a claim of Rs.4.08 Lacs on account of goods sold and delivered, for which invoices have been duly raised on the Respondent company. In its reply, the Respondent accepts sale of goods but submits that a sum of Rs.1,69,353/- was paid by it to the Sales Tax authorities including the penalty and penal interest on account of M/s Padmavati Enterprises which is a sister concern of the Petitioner upon specific instructions from the Petitioner. The Respondent submits that it is ready and willing to pay Rs.1,40,818/- which alone is due and payable according to it to the Petitioner. The Respondent offers to make this payment within a period of three weeks from today. The cheque for this amount shall be drawn directly in the name of the Petitioner. The Petition is disposed of subject to this payment with liberty to the Petitioner to file a suit in respect of the balance of his claim. It will be open to the Petitioner to contend in the suit that M/s Padmavati Enterprises is not a sister concern of the Petitioner or that the Petitioner had not issued any instructions to the Respondent to make any payment on account of M/s Padmavati Enterprises. Even the contentions of the Respondent in this behalf are kept open. So also, the Respondent's contentions concerning further demand, if any, raised by the tax authorities for sales effected by the Petitioner or

others of his family concerns, are kept kept open. If this amount is not paid within three weeks, the Petition shall stand revived and admitted without further reference to this Court and in that case the Petition shall be placed on record for directions on 30 October 2015. Returnable date of the Petition shall be assigned on that date. The Petition is disposed of accordingly. There shall be no order as to costs.

(S.C.GUPTE J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/ Order.