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

COMPANY PETITION NO. 164 OF 2014

Hotel Parc Estique

...Petitioner

VS

ISMT Limited

...Respondent.

.....

Ms Jayashree Surti i/b S. Ashwinikumar & Co. for the Petitioner

Mr Rohaan Cama, Vishesh Malviya & Robin Fernandes i/b Federal & Rashmikant
for the Respondent.

**CORAM : S.C. GUPTA, J.
SEPTEMBER 29, 2015**

P.C. :

The Company Petition seeks winding up of the Respondent company on account of inability to pay its debts. The debt forming part of the subject matter of the Petition arises out of hospitality services purportedly rendered by the Petitioner to the Respondent. The Petitioner relies on several invoices raised towards the services rendered. It is, however, the defence of the Respondent that the employee of the Respondent company has fraudulently placed these orders for hospitality services and that the Respondent has filed an F.I.R. against this employee after terminating his services and that the charge-sheet has already been filed in pursuance of this F.I.R. against the delinquent employee. However, considering the small claim in the present matter and also by way of an exceptionable measure, the Respondent company agrees to settle the disputes with the Petitioner by paying the entire principal amount of Rs.1,82,990/- by a Demand Draft. In view of this payment, the Petitioner seeks to withdraw the Petition. The Petition is dismissed as withdrawn. There shall be no order as to costs. It is clarified that this order has been passed having regard to the special facts and circumstances of the present case and should not be treated as a precedent for any similar claim lodged against the Respondent as a result of fraudulent acts committed by the delinquent employee. Learned Counsel for the Petitioner confirms receipt of the Demand Draft and states that the Petitioner now has no outstanding claim against the Respondent.

(S.C.GUPTA J.)

CERTIFICATE

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