

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**COMPANY PETITION NO. 819 OF 2014**

GS Caltex India Private Limited ... Petitioner

Versus

Antony Waste Handling Cell Private Limited ... Respondent

Mr. Shailesh Menon a/w. Ms. Heena Daulat i/b. M/s. Negandhi, Shah and Himayatullah for the Petitioner.

Mr. Rahul Arote for the Respondent.

Mr. Prakash Kurup, Senior Manager (Finance) of Respondent, present.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 8<sup>TH</sup> JANUARY, 2015**

**PC.**

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

i. The Respondent Company agrees and undertakes to pay an amount of Rs.6,09,541/- to the Petitioner in full and final settlement of the claim of the Petitioner against the Respondent, as follows :

Rs. 1,59,541/- On or before 5<sup>th</sup> January, 2015 (already paid)

Rs. 1,50,000/- On or before 5<sup>th</sup> February, 2015

Rs. 1,50,000/- On or before 5<sup>th</sup> March, 2015

Rs. 1,50,000/- On or before 30<sup>th</sup> March, 2015

ii. The Company has already handed over the post-dated cheques to the Petitioner aggregating to Rs. 6,09,541/- and undertakes that the said cheques shall be honoured on presentment on their respective dues dates

and shall not be dishonoured in any circumstances.

iii. Upon payment of the entire amount as undertaken by the Respondent in clause (i) above, the parties shall have no claim against each other.

iv. In the event of the Respondent Company committing default in payment of any of the agreed installments, 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.

v. The Company Petition is accordingly disposed of.

**(S.J. KATHAWALLA, J.)**