

THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMPANY PETITION NO. 13 OF 2015**

Mott MacDonald Pvt. Ltd.

... Petitioner

Versus

Soma Enterprise Limited

... Respondent

Mr. Darshan Mehta i/b. Dhruve Liladhar and Company for the Petitioner.
Ms. Sabina Mahadik for the Respondent.

CORAM: S.J. KATHAWALLA, J.**DATED : 5TH MARCH, 2015****P.C.:**

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

i. The Respondent Company admits that an amount of Rs.34,00,490/- is due and payable by the Respondent Company to the Petitioner.

ii. The Respondent Company agrees and undertakes to pay an amount of Rs.34,00,490/- to the Petitioner in full and final settlement of the claim of the Petitioner against the Respondent, as follows :

a) Rs.5,66,749/-on or before 4th April, 2015

b) Rs.5,87,711/-on or before 4th May, 2015

c) Rs.5,84,078/-on or before 4th June, 2015

d) Rs.5,79,746/- on or before 4th July, 2015

e) Rs. 5,75,134/- on or before 4th August, 2015

f) Rs. 5,70,942/- on or before 4th September, 2015

The undertaking is accepted.

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 any default in making payment of the aforesaid instalments, the above 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.)