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

COMPANY PETITION NO. 293 OF 2015

M/s Quartz Infra and Engg. Pvt. Ltd. ...Petitioner
VS
M/s Gannon Dunkerley & Com. Ltd. ...Respondent

.....
Mr Yogendra Singh i/b Auris Legal Advocates for the Petitioner
Mr V. Subha Raju, Director of Petitioner.
Ms Sapana Rachure for the Respondent
Mr Ramesh Mishra, Manager (Legal) of Respondent present.
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CORAM : B. P. COLABAWALLA J.

JUNE 30, 2016

P.C. :

When this matter was called, learned counsel appearing
for the parties agreed that the following order be passed by consent:-

- (i) The Respondent Company shall pay to the Petitioner a sum of Rs.10,30,000/- on or before 28 July, 2016, in full and final settlement of the claims made by the Petitioner against the Respondent Company. In the event, this payment is made by the aforesaid date, this Company Petition shall stand dismissed and that the Petitioner shall have no claim against the Respondent Company;

- (ii) In the event, there is a default in making payment of the said sum of Rs.10,30,000/- on or before 28 July, 2016, then, the Company Petition shall stand revived, admitted and made returnable on 27 September, 2016. The Petitioner, thereafter, will be entitled to claim entire amount as more particularly set out in the Company Petition;
- (iii) Learned advocate appearing on behalf of the Respondent Company waives service of the notice under Rule 28 of the Companies (Court) Rules, 1959;
- (iv) In the event the Company Petition stands admitted, the admission of the Company Petition shall be advertised in two local newspapers viz. (i) **“Free Press Journal”** (in English) and (ii) **“Navshakti”** (in Marathi) as also in (iii) **“Maharashtra Government Gazette”**. Any delay in publication of the advertisement in the Maharashtra Government Gazette and any resultant inadequacy of notice shall not invalidate such advertisement or notice and shall not constitute non-compliance with this direction or with the Companies (Court) Rules, 1959;

- (v) The Petitioner shall, on or before 8 August, 2016 deposit a sum of Rs.10,000/- towards publication charges with the Prothonotary and Senior Master of this Court under intimation to the Company Registrar, failing which the Company Petition shall stand dismissed for non-prosecution without further reference to the Court. After the advertisements are issued, the balance, if any, shall be refunded to the Petitioner;
- (vi) The Company Petition is disposed of in the aforesaid terms.

(B. P. COLABAWALLA J.)