

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

COMPANY PETITION NO.277 OF 2015

M/s.Mark Engineers (India) Pvt. Ltd. .. Petitioner
Vs.
M/s.Goan Hotels and Realty Pvt. Ltd. .. Respondent

Ms.Usha Singh i/by M/s.Vyas and Bhalwal for the petitioner.
Mr.Anoshak Daver a/w Ms.Niyathi Kalra i/by M/s.Negandhi Shah &
Himayatullah for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 16th January 2017

P.C. :

1. Mr.Daver, learned counsel for the respondent, on instructions, states that without prejudice to the rights and contentions of the respondent, the respondent would deposit an amount of Rs.12,23,282/- in the office of the Prothonotary and Senior Master of this Court on or before 31st March 2017 subject to defence raised by the respondent in the affidavit-in-reply filed in the present proceedings. Statement is accepted. It is made clear that no further extension would be granted.

2. If the amount as agreed aforesaid is deposited by the respondent with the Prothonotary and Senior Master of this Court, the said amount shall be invested by the Prothonotary and Senior Master in a fixed deposit of a nationalised bank for a period of three years and for like period after obtaining further orders from this Court.

3. In view of this order, the learned counsel appearing for the petitioner, on instructions from the Managing Director of the petitioner

who is present in Court, seeks liberty to withdraw this company petition if the amount as agreed aforesaid is deposited by the respondent in this Court on or before 31st March 2017. Statement is accepted.

4. Company petition is accordingly allowed to be withdrawn. It is made clear that if the respondent commits any default in making payment of the aforesaid amount within the time prescribed, the petitioner is at liberty to revive this company petition. The petitioner would be at liberty to file appropriate proceedings for recovery of the amount from the respondent. It is made clear that this Court has not expressed any views on merits of the matter. All contentions raised by both the parties against each other in these proceedings are kept open. If any proceedings are filed by the petitioner for recovery of the alleged dues of the petitioner against the respondent, the Court in the said proceedings shall decide the said claim on its own merits. No order as to costs.

R.D. DHANUKA, J.