

Nalawade

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

COMPANY PETITION NO.1118 OF 2015

M/s. MITC Rolling Mills Pvt. Ltd. ..Petitioner.

VS.

M/s. Parinee Shelter Pvt. Ltd. ..Respondent.

Mr. Vinod Sharma for the Petitioner.

Mr. Arun Panickar for the Respondent.

CORAM :A.S.GADKARI, J.

DATE : 22nd June, 2017

P.C.

This is a petition for winding up of the respondent company namely M/s. Parinee Shelter Pvt. Ltd. on the ground that the respondent company is unable to pay the debt of the petitioner. By the present petition the petitioner has claimed the principal amount of Rs.9,45,133/- and alleged interest accrued thereon at the rate of 36% per annum amounting to Rs.2,44,787/- aggregating to Rs.11,89,920/-.

2. The respondent in its affidavit in reply dated 27.7.2016 in Para-6 has made a categorical averment that the respondent has paid the principal amount of Rs.9,45,133/- to the petitioner by RTGS on 13.1.2015. There is no denial to the said admission. The record clearly indicates that the principal amount as claimed by the petitioner has already been paid by the respondent. It is only the interest part which is being disputed by the

respondent.

3. Facing with this difficulty, the learned counsel for the petitioner on instructions seeks leave to withdraw the petition with liberty to pursue the appropriate proceeding before the competent Court having jurisdiction to recover the interest, if so advised.

4. Leave and liberty granted.

5. Petition is dismissed as withdrawn.

(A.S.GADKARI, J.)