

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

**COMPANY APPLICATION (LODG.) NO. 540 OF 2017
IN
COMPANY PETITION NO. 413 OF 2014**

Ingram Micro India Private Limited	.. Applicant
Vs.	
Nirmal Datacomm Pvt. Ltd.	.. Respondent

Mr. Kedar Wagle for applicant.

Mr.Rahul D. Oak for respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 6TH NOVEMBER 2017**

P.C.

1 Mr.Oak appearing for respondent tenders a statement showing as to how amounts have been paid and how the 5 defaulted instalments will be paid. So far as Sr.No.26 in the statement is concerned, Mr.Oak states that it will be honoured as per the consent terms filed. The statement is taken on record and marked 'X' for identification.

2 It is made clear that if the instalments mentioned against Sr.No.16, 17 and 22 are not cleared as per the dates mentioned therein, the petition will stand admitted without further reference to the Court. In such a situation, on or before 15th December 2017, petitioner will advertise the petition in two

local newspaper, viz., Free Press Journal (English) and Navshakti (Marathi), both Mumbai Edition and also in Maharashtra Government Gazette or any delay in publication of the advertisement in the Maharashtra Government Gazette. Any resultant inadequacy of notice shall not invalidate such advertisement or notice and shall not constitute non-compliance with this direction or with the Company (Court) Rules, 1959.

3 Petitioner shall also deposit Rs.10,000/- with the Prothonotary and Senior Master of this Court towards publication charges on or before 15th December 2017 with the intimation to the Company Registrar failing which petition shall be dismissed for non-prosecution without further reference to the Court. After the advertisement is issued, the balance, if any, shall be refunded to petitioner.

Respondent waives service of notice as required under Section 28 of the Companies (Court) Rules, 1959.

4 Company application accordingly disposed.

(K.R. SHRIRAM, J.)