

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

**COMPANY PETITION NO.792 OF 2016
along with
COMPANY APPLICATION (L) NO.762 OF 2016
in
COMPANY PETITION NO.792 OF 2016**

M/s.S.J.Impex .. Petitioner
Vs.
Rohan Developers Pvt. Ltd. .. Respondent

Ms.Gulnar Mistry a/w Mr.Rihal Kazi i/by M/s.M & M Legal Ventures
for the petitioner.
Mr.Akshay Patil a/w Ms.Abhilasha Sharma i/by M/s.Kartikeya and
Associates for the respondent.

**CORAM : R.D. DHANUKA, J.
DATE : 30th January 2017**

P.C. :

. Learned counsel appearing for the parties have tendered consent terms dated 30th January 2017 duly signed by the parties and their respective advocates.

2. Learned counsel for the parties state that the signatories to the consent terms are authorised by their respective advocates who have signed the consent terms. The signatures of the signatories to the consent terms are identified by their respective advocates.

3. Consent terms are taken on record and marked 'X' for identification. Undertakings recorded in the consent terms are accepted.

4. Company petition is disposed of in terms of the consent terms. In view of disposal of the company petition, company application does not survive and is accordingly disposed of.

5. It is made clear that if any two defaults of the installments as provided in clause 5 of the consent terms are committed, the petition shall stand admitted, however, the petitioner shall not advertise the admission of the petition for a period of twelve weeks from the date of admission of the company petition.

6. If the default continues even after expiry of twelve weeks, the petitioner shall advertise the petition in two local newspapers, viz. "Free Press Journal" (in English) and "Navshakti" (in Marathi) and also in Maharashtra Government Gazette. Any delay in publication of the advertisement in the Maharashtra Government Gazette and any resultant inadequacy of the notice shall not invalidate such advertisement and shall not constitute non-compliance with this direction or with the Companies (Court) Rules, 1959.

7. The learned counsel appearing for the respondent-company waives service of the company petition under Rule 28 of the Companies (Court) Rules, 1959.

8. The petitioner shall also deposit an amount of Rs.10,000/- with the Prothonotary and Senior Master of this Court towards the publication charges, with intimation to the Company Registrar within two weeks from the date of admission of the petition failing which, the petition to stand dismissed for non-prosecution without further reference

to the Court. After the advertisements are issued, the balance, if any, shall be returned to the petitioner.

R.D. DHANUKA, J.