

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

**APPEAL (L) NO.453 OF 2017
IN
COMPANY PETITION NO.1253 OF 2015**

WITH

**NOTICE OF MOTION (L) NO.2610 OF 2017
IN
APPEAL (L) NO.453 OF 2017
IN
COMPANY PETITION NO.1253 OF 2015**

M/s Nik-San Engineering Company Ltd. Applicant

In the matter between :

M/s Nik-San Engineering Company Ltd. Appellant

versus

Prakash Shah ... Respondent

.....

- Mr.Rushil Mehta, Advocate for the Applicant/Appellant.
- Mr.Anirudha Lad i/b. B.J. Law Offices LLP, Advocate for the Respondent.

**CORAM : SMT. VASANTI A. NAIK &
SARANG V. KOTWAL, JJ.**

DATE : 20th DECEMBER, 2017.

P.C. :

Heard.

The Company Appeals are disposed of with the consent
of the learned counsel for the parties on the following terms;

1. The order of the Company Judge dated 21/11/2017 would not be acted upon.
2. The appellant would deposit 40% of the amount due and payable to the respondent-company as mentioned in the order dated 21/11/2017, within four days.
3. The remaining amount i.e. 60% of the amount would be paid by the appellant to the respondent-company within three months i.e. on or before 20/03/2018.
4. No further extension for repayment of the amount due would be sought by the appellant.
5. If the amount as aforesaid is not paid by the appellant to the respondent-company within the time stipulated hereinabove, the order of the learned Company Judge dated 21/11/2017 would revive and operate.
6. No order as to costs.
7. With the disposal of the appeal, Notice of Motion (L) No.2610/17 is disposed of.

(SARANG V. KOTWAL, J.)

(SMT. VASANTI A. NAIK, J.)