

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

**COMPANY APPLICATION NO. 126 OF 2016
IN
COMPANY PETITION NO. 38 OF 2016**

Jagran Entertainment Media Private
Limited

.. Applicant

In the matter between :

Rajesh Valchand Shah
The Karta of Rajesh
Valchand Shah (HUF)

.. Petitioner

Vs.

Jagran Entertainment Media Private
Limited

.. Respondent

Ms. Pinki Bhansali a/w. Mr. V.T. Kalyani/b MJ Juris for applicant/petitioner.

Mr. Anand Kumar for respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 19TH DECEMBER 2017**

P.C.

1 Though the petition was not listed for admission, by consent, the petition is taken up for hearing.

2 The petition was lodged on 4th November 2015 on the basis that respondent-company was not paying agreed license fees under the Leave and License Agreement dated 28th June 2013. On that date, it does appear there was some default but subsequently and admittedly so, license fee has

been paid upto August 2017. Whether license fees paid is correct or the company should pay double of that amount, is a subject matter which is pending before the Small Causes Court, Mumbai. This Court is not making any observation in that regard and the Small Causes Court, Mumbai will consider the matter on its own merits.

3 Mr. Anand Kumar appearing for respondent states that the cheques for license fees for the period September 2017 upto November 2017 were sent to petitioner but the same were not accepted by petitioner. Ms. Bhansali, of course, denies. At the same time, Mr. Anand Kumar states that outstanding license fees will be paid within two weeks from today. Mr. Anand Kumar also undertakes that respondent will not commit any default in making payment of license fees.

4 Mr. Anand Kumar further states that the balance amount of Rs.20,41,603/- that is mentioned at Exh.'A' to the rejoinder, respondent will, within three weeks from today pay to petitioner, without prejudice to respondent's rights and contentions, to be raised before the Small Causes Court, Mumbai where the eviction suit is pending that this amount has already been paid.

5 It is made clear that these statements are accepted as undertakings to this Court. If amounts as mentioned above, are not paid, the company petition will stand admitted and advertised etc.

6 Stand over to 15th January 2018 for directions.

7 In view of above, company application stands disposed with liberty to take out the fresh application should the need arise.

(K.R. SHRIRAM, J.)