

vai

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

COMPANY PETITION NO.374 OF 2016

Eximcorp India Pvt. Ltd.	...Petitioner
V/s.	
Pranav Construction Systems Pvt. Ltd.	...Respondent

Mr.Bimal Rajasekhar for the Petitioner.

Mr.Kersi Dastoor i/b Phoneix Legal for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 8TH MARCH, 2017.

P.C. :-

1. Learned counsel appearing for the respondent, on instructions from Mr.Ravi Padave, Assistant General Manager of the respondent, states that the respondent is ready and willing to pay a sum of Rs.6,00,000/- to the petitioner in full and final settlement of the claim of the petitioner. He further states that the respondent would also furnish "C" forms to the petitioner in respect of the transactions in question on or before 14th November, 2017.

2. Learned counsel appearing for the petitioner, on instructions, states that his client is ready and willing to accept a demand draft of Rs.6,00,000/- in full and final settlement of its claim against the respondent on the condition that the respondent furnishes

“C” forms to the petitioner on or before 14th November, 2017. The statement is accepted.

3. Learned counsel for the respondent has handed over a demand draft of Rs.6,00,000/- to the learned counsel for the petitioner in Court in full and final settlement of its claim.

4. The statements made by the learned counsel for the respondent on instructions are accepted as and by way of an undertaking to this Court. It is made clear that if the “C” forms are not furnished by the respondent to the petitioner on or before 14th November, 2017, the company petition to stand revived and admitted and shall be advertised in two local newspapers, namely (i) Free Press Journal (in English) and Navshakti (in Marathi) as also in the Maharashtra Government Gazette. Any delay in publication of the advertisement in the Maharashtra Government Gazette, and any resultant inadequacy of notice shall not invalidate such advertisement or notice and shall not constitute non-compliance with this direction or with the Companies (Court) Rules, 1959.

5. In that event, the company petition is made returnable after eight weeks. The petitioner shall deposit Rs.10,000/- towards publication charges with the Prothonotary & Senior Master, under intimation to the Company Registrar, within two weeks from the date of respondent committing default, failing which the petition shall stand

dismissed for the non-prosecution without further reference to the Court. After the advertisements are issued, the balance, if any, shall be refunded to the petitioner. The learned counsel for the respondent waives service of the company petition under Rule 28 of the Companies (Court) Rules, 1959.

6. It is made clear that if the “C” forms are furnished by the respondent to the petitioner on or before 14th November, 2017, the company petition to stand dismissed.

7. The company petition is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)