

Nalawade

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

COMPANY PETITION NO. 387 OF 2016

Shree Ganesh Enterprise through
Prop. C.R. Patel. ..Petitioner.
vs.
Kalpataru Properties (Thane) Pvt. Ltd. ..Respondent.

Mr. Mahesh Menon i/by Mahesh Menon & Co. for the
Petitioner.
Mr. Hilaur Vaswani i/by Suneet Kumar for the Respondent.
Mr. Mehernosh Billimria, Authorised Signatory for the
Respondent present.

CORAM :A.S.GADKARI, J.
DATE : 19th June, 2017

P.C.

1. The learned counsel for the respective parties submitted that the parties have amicably settled the matter. The learned counsel for the respondent has tendered consent terms dated 19.6.2017. Same are taken on record and marked "X" for identification. The undertakings given in the said consent terms are accepted as undertakings given to this Court. The learned counsel for the respondent today handed over a demand draft bearing No.016126 as mentioned in Para 4 of the consent terms to the learned counsel for the petitioner and the learned counsel for the

petitioner has acknowledged the photo copy of the said demand draft.

2. It is however, made clear that in case the said demand draft which has been tendered to the petitioner towards the full and final settlement of the claim is not honoured on presentation for any reason. this company petition will stand admitted without further reference to the Court and made returnable within six weeks from the date of default and be advertised in two local newspapers i.e. Free Press Journal (in English) and Navshakti (in Marathi) and in the Maharashtra Government Gazette.

The petitioner shall deposit an amount of Rs.10,000/- with the Prothonotry and Senior Master of this Court towards the publication charges within two weeks from the date of default, with intimation to the Company Registrar failing which the petition shall stand dismissed for non prosecution.

In the event of default, the Official Liquidator shall forthwith stand appointed as provisional liquidator and shall immediately take charge of the records as well as

the movable and immovable properties of the company.

Notice under Rule 28 of the Companies (Court) Rules, 1959 shall also stand waived on behalf of the Company.

3. The company petition is accordingly disposed off.

(A.S.GADKARI, J.)