

\$~CP-24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CO.PET. 59/2014

AMJEY CHEMICAL

..... Petitioner

Through

Mr.Shohit Chaudhary & Mr.Anuj
Jhawar, Advocates

versus

ARTMICA LAMINATES PRIVATE LIMITED Respondent

Through

Mr.Dharmendra Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

03.11.2017

On 23.10.2017, this court had noted the factual background of the disputes between the parties. The matter was adjourned as the learned counsel for the respondent had sought time to take instructions as to whether the respondent would be willing to pay the balance principal amount payable pursuant to the two invoices dated 09.07.2011 to settle the matter. This court had also noted that the balance principal amount payable as Rs.6,41,263/-.

The learned counsel for the respondent states that the respondent company undertakes to pay the balance principal amount of Rs.6,41,263/- within three weeks from today. He however submits that in the eventuality of any liability is imposed on the respondent on account of loss of importing license by the petitioner's employees, then they seek liberty to seek recovery of the said damages as per law.

Binding the respondent to the submission made by the learned counsel for the respondent regarding payment of the balance principal amount of Rs.6,41,263/- within three weeks from today, the present petition is disposed

of with liberty to the respondent to take steps as per law in case any alleged damages was suffered on account of loss of import license. In case, if there is a default in complying with the undertaking given to the court, the petitioner would be at liberty to revive the present petition and seek winding up of the respondent company.

The learned counsel for the petitioner denies any liability for the alleged loss of import license. He further submits that apart from the principal amount of Rs.6,41,263/- the respondent is also liable to pay sales tax, damages, penalty amount suffered by the petitioner company as necessary C-Form was not submitted by the respondent company. I may note that the order dated 23.10.2017 does not reflect this amount now claimed by the petitioner and cannot form the basis to claim winding up of the respondent company.

Petition stands disposed of as above.

JAYANT NATH, J.

NOVEMBER 03, 2017/v