

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9936 OF 2017

...
M/s. Xillion Design Studio Ltd. & Anr.Petitioners
V/S
Kotak Mahindra Bank Ltd.Respondent

WITH
CIVIL APPLICATION NO.161 OF 2018
IN
WRIT PETITION NO.9936 OF 2017

...
M/s. Xillion Design Studio Ltd. & Anr.Applicants
IN THE MATTER BETWEEN
M/s. Xillion Design Studio Ltd. & Anr.Petitioners
V/S
Kotak Mahindra Bank Ltd.Respondent

Ms. Priyanka Kothari I/b Ms. Harshada N. Kamble for the Petitioners/
Applicants.
Mr. R.L. Motwani for the Respondent/Bank.

...
**CORAM : A.A. SAYED &
V.L. ACHLIYA, JJ.**
DATE : 06 FEBRUARY 2018.

ORDER:

1 On 24 January 2018 this Court passed the following order:

“1 Learned Counsel for the Respondent Bank states that as of today an amount of Rs.8 Crores is outstanding from the Petitioners. He further states that the OTS (One Time Settlement) proposal of the Petitioners has been rejected on 16 January 2018. Learned Counsel for the Petitioners states that the Petitioners are willing to settle the dispute and the

Petitioners are willing to pay Rs.2.5 Crores. The learned Counsel for the Petitioners, notwithstanding the statement of the learned Counsel for the Respondent Bank, insists that the Respondent Bank has agreed to settle the matter with the Petitioners.

2 To test the bonafides of the Petitioners, we direct the Petitioners that to come with a draft in the name of Respondent Bank of Rs.5 Crores on the next date.

3 Stand over to 31 January 2018, High on Board.”

On 31 January 2018 the aforesaid order dated 24 January 2018 was corrected and the amount of 'Rs.8 crores' is substituted by amount of 'Rs.18 crores'.

2 Learned Counsel for the Petitioners states that the Petitioners have not been able to comply the above order and seeks further time. We are not inclined to grant further time. The Petition is dismissed for non-compliance of the aforesaid order dated 24 January 2018.

3 In view of the disposal of the Writ Petition, nothing survives in the Civil Application and the same to stand disposed of.

(V.L. ACHLIYA, J.)

(A.A. SAYED,J.)