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

COMPANY APPLICATION (L) NO.22 OF 2018
IN
COMPANY PETITION NO.1130 OF 2015

DBM Geotechnics & Constructions)
Private Limited)....Applicant

IN THE MATTER BETWEEN :

Kotak Mahindra Bank Ltd.)....Petitioner
V/s.
DBM Geotechnics & Constructions)
Private Limited)....Respondent

Mr.Rohit Gupta a/w Mr.Nikhil Rajani i/by V.Deshpande & Co. for petitioner.
[Mr.Charu Dutt Khona-authorized signatory of petitioner present].
Mr.Aliabbas Dalhiwalla a/w Mr.Sushant Arora and Mr.Manish Acharya i/by Vigil Juris for respondent.
[Mr.Vijay Kapde-Constituted Attorney of respondent present].
Mr.Pola Raghunath-Deputy Official Liquidator present.

CORAM : K.R.SHRIRAM,J
DATE : 5.2.2018

P.C.:-

1 Counsel tender consent Minutes of Order dated 5.2.2018 signed by the authorized signatory of petitioner and the constituted attorney of respondent and their respective advocates. Minutes of order reads as under :-

> *"1. Parties have tendered Revised Consent Terms dated 30th January, 2018 executed between them. The revised consent*

terms are signed by the authorized persons of the petitioner and Respondent and their respective advocates. The revised consent terms are taken on record and marked `X' for identification.

2. Undertakings of the Respondent accepted.

3. The petitioner to issue public notice on or before 9th February 2018 in Free Press Journal and Navshakti informing of the proposed withdrawal of admission notice. The petition is fixed for hearing on 24th February 2018 for withdrawal.

4. Subject to no objections being received for the withdrawal of admission notice, the order dated 15th December 2016 read with 24th November 2017 as far as it pertains to the admission of the petition and appointment of Provisional Liquidator is recalled and the Official Liquidator is directed to hand back the possession to the Respondent within 7 days thereof.

5. In the event of any default as detailed in the Revised Consent Terms, the petition shall automatically be revived and stand admitted forthwith and made returnable within a period of 4 weeks from the date of default and advertised in *two local newspapers i.e., Free Press Journal (in English) and Navshakti (in Marathi). The Petitioner shall also deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with the Prothonotary and Senior Master of this Court towards publication charges, within a period of two weeks from the date of default, with an intimation to the Company Registrar, failing which the petition shall stand dismissed for non-prosecution. 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 Company (Court) Rules, 1959. Notice under Rule 28 of the Companies (Court) Rules, 1959 shall also stand waived on behalf of the Respondent.*

6. Further, in the event of such default, the Official Liquidator, shall stand appointed as Provisional Liquidator and shall immediately take charge of the records as well as the assets of the Respondent.

7. The present Company Petition and Company Application filed thereto stands disposed in terms of the Consent Terms."

2 Company Application stands disposed. Stand over to 24.2.2018 for withdrawal.

(K.R.SHRIRAM,J)