

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO.985 OF 2014
WITH
COMPANY APPLICATION (L) NO.70 OF 2018
IN
COMPANY PETITION NO.985 OF 2014**

DMSON'S Metal Private Limited

....Petitioner

Vs.

M/s. Hitech Engineering Corporation India Pvt. Ltd.

....Respondent

Mr. Anil T. Agarwal for petitioner.

Mr. Ishwar Ahuja i/b. Thakordas Madgavkar for applicant in CAL/70/2018.

Mr. Shriram S. Kulkarni for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 12th MARCH, 2018

P.C.:

1 Mr. Ahuja, counsel for applicant in company application (lodging) no.70 of 2018 states that since applicant has filed a petition before NCLT, applicant be permitted to withdraw the application.

2 Therefore, company application (lodging) no.70 of 2018 dismissed as withdrawn.

3 Notwithstanding dismissal of the application, applicant to remove all office objections and get the application numbered within two weeks from today.

4 Mr. Ahuja states that another Creditor – Mahavir Logistics had filed a petition in NCLT and in that petition, Insolvency Resolution Professional has been appointed.

5 Mr. Kulkarni, counsel for respondent states that only today he came to know about the same and he is not been able to take instructions from his client. Mr. Kulkarni further states that the amount of Rs.15,30,000/-, that respondent company deposited pursuant to leave granted by the Appeal Court, has been made through a third party well-wisher unconnected with the company. Mr. Kulkarni states that on the next date, the Managing Director of the company will file an affidavit giving details of all the applications pending in this Court and also in the NCLT and also details of the third party who has paid Rs.15,30,000/- on behalf of the company with documentary evidence.

6 The affidavit to be filed and copy served upon Mr. Agarwal within two weeks from today. The company also to give notice to all the parties, who have filed petition in this Court as well as in NCLT, to remain present in Court on the next date.

7 Stand over to 6th April, 2018 for directions.

(K.R. SHRIRAM, J.)