

psv

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

**APPEAL (L.) NO.82 OF 2018
IN
COMPANY PETITION NO.546 OF 2015
WITH
NOTICE OF MOTION (L.) NO.132 OF 2018**

M/s.Universal Construction
Machinery & Equipment Ltd.

..Appellant/
Org.Respondent

Vs.

M/s.Gandhar Oil Refinery India Ltd.

..Respondent/
Org.Petitioner

Mr.Rampal Kohli with Ms.Niharika Waradkar, Mr.Amod Eklaspur
and Mr.Karan Asrani i/b. M/s.C.K. Legal for Appellant.
Mr.Vishal Thadhani for Respondent.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.**

DATE : 27th FEBRUARY 2018

P.C.:

Learned Counsel for the parties have filed Terms of Settlement/Consent Terms. Each page of the Terms of Settlement/Consent Terms is signed by the parties who are present in the Court, as also by their respective Counsel. The learned Counsel for the parties have identified the signatures of their respective parties. The said Consent Terms are taken on record.

Paragraph Nos.3 and 4 of the said Consent Terms read as under:-

“3. On 22nd February, 2018, the Original Respondent approached the Original Petitioner, to settle the claim of the Original Petitioner. The Parties came together to negotiate and settle the claims of the Original Petitioner and the Parties have settled the claim at an amount of Rs.13,66,525.60 (Rupees Thirteen Lakhs Sixty Six Thousand Five Hundred Twenty Five and Paise Sixty only), and Rs.2,00,000/- (Rupees Two Lakhs only), as compensation towards the legal expenses incurred by the Original Petitioner. The Parties have executed a Minutes of Meeting (MOM) dated 22/02/2018 to record the above settlement signed by the authorized representatives of the respective Parties. Hereto annexed and marked Exhibit “A” is a copy of the Minutes of Meeting dated 22/02/2018.

4. Out of the aforesaid agreed amounts, the Original Respondent has paid a sum of Rs.13,66,525.60 (Rupees Thirteen Lakhs Sixty Six Thousand Five Hundred Twenty Five and Paise Sixty only), vide Demand Draft dated 14/02/2018 drawn on HDFC Bank, Branch at Kothrud, Pune. The Original Respondent has agreed to pay the balance amount of Rs.2,00,000/- (Rupees Two Lakhs only) by way of RTGS/NEFT within fifteen (15) days from the date of the Minutes of Meeting dated 22/02/2018 i.e. on or before 08/03/2018. It is further agreed that the costs awarded by the Hon'ble Single Judge Mr.Justice K.R. Shriram of this Hon'ble Court by its Order dated 22/12/2017 of Rs.50,000/- (Rupees Fifty Thousand only), will be paid to the Advocate on record of the Respondent (Original Petitioner) at the time of filing of these Consent Terms in this Hon'ble Court or latest within a period of one week from the date of filing of these Consent Terms.”

2. The said settlement is full and final settlement of all the disputes and claims of the original petitioner as against the original respondent. In view of the settlement by way of Consent Terms, the impugned order passed by the learned Single Judge

stands quashed and set aside. The order appointing Official Liquidator stands discharged.

3. The parties shall approach the Official Liquidator by taking appropriate steps to close the proceedings.

4. In view of the aforesaid Consent Terms, appeal as well as Notice of Motion stand disposed of.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]