

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

**APPEAL (L) NO. 91 OF 2018
IN
COMPANY PETITION NO. 595 OF 2015**

Blue Ridge Hotels Pvt. Ltd. Appellant

Vs.

Maher Anis Quader Alias Mark Respondent

Mr. Saket Mone & Ms. Chaitrika Patki i/b Vidhi Partners for the appellant.

Mr. Jineshkumar Gandhi i/b Vaish Associates Advocates for the respondent

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : FEBRUARY 23, 2018.

P.C.

The learned counsel appearing for the appellant submits that under Rule 28 of the Companies (Court) Rules, 1959, the appellant was entitled to file reply in case the petition was admitted. Filing of reply prior to admission of petition is not contemplated under the Rules. Even otherwise on the adjournment sought by the appellant, the cost awarded is harsh and on higher side.

2 The learned counsel appearing for the respondent submits that Rule 28 of the Companies (Court) Rules, 1959 was already complied

with and after noticing the conduct of the appellant in taking adjournment for 2-3 times, the learned Single Judge had rightly imposed cost of Rs. 1,00,000/-.

3 We notice that the learned Single Judge had exercised discretion in imposing cost on noticing that the appellant had sought for adjournment on more than one occasion. We are not inclined to interfere in the discretion exercised by the learned Single Judge, however, as the Company Petition is admitted on 27/06/2017, appellant would deposit the amount of cost with Prothonotary and Senior Master of this Court within two weeks from today. The disbursement of the amount would be considered by the learned Single Judge at an appropriate stage of the hearing of the company petition. In case, appellant fails to deposit the amount of cost within two weeks from today, the order passed by the learned Single Judge would get operative.

4 Appeal stands disposed of. It is clarified that we have not dealt with any other issue.

[NITIN W. SAMBRE, J.]

[NARESH H. PATIL, J.]