

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

COMPANY PETITION NO.501 OF 2016

Enviiro Buildmate Pvt. Ltd.)....Petitioner
V/s.

Lavasa Corporation Ltd.)....Respondent

Mr.Madhav Jamdar i/by Hemant Ghadigaonkar for petitioner.

[Mr.Santosh Jain-director of petitioner present].

Mr.F.E.Devitre and Mr.Gaurav Joshi, Senior Advocate a/w Mr.Rohit Gupta, Mr.Kaustav Talukdar and Mr.Vikas Kumar i/by Lex Legal & Partners for respondent.

[Mr.Pragnesh Lodaya-director of respondent present in court].

CORAM : K.R.SHRIRAM,J

DATE : 29.6.2018

P.C.:-

1 As recorded in the order dated 25.4.2018, the company had agreed to pay sum of Rs.2,65,03,067/- as full and final settlement within six months in installments commencing from 20.5.2018 and this amount was to be paid in 5 installments of Rs.44,00,000/- each on the 20th of every month beginning from 20.5.2018 and the balance amount of Rs.45,03,067/- was to be paid on or before 20.10.2018.

2 As recorded in the order the offer of the company to settle was recorded as an undertaking by the company and its directors and the company was also put to notice that if there is a default, it would

be viewed as contempt of orders of the court. Mr.Devitre for the company states that Mr.Deepak Shah who was present on 25.4.2018 was travelling abroad and in his place one Mr.Pragnesh Lodaya is present in court. Mr.Devitre states that the company had committed breach of the undertaking recorded in the order dated 25.4.2018 and the reason for the breach has been explained in an affidavit filed by Pragnesh Lodaya affirmed on 28.6.2018.

I have perused the affidavit and for the moment, I am accepting the explanation given and the reason for this, is, parties have entered into revised consent terms dated 29.6.2018. Revised consent terms signed by the director of petitioner, director of the company, who are both, I am told present in court and identified by their respective advocates, and the respective advocates, is taken on record and marked 'X' for identification.

3 Order in terms of the consent terms. All undertakings in the consent terms are accepted. Breach of undertaking as recorded in the consent terms and noted herein, will be viewed as serious breach of the orders of this court and the court will commence contempt proceeding if there is another breach.

4 Petition accordingly disposed with liberty to approach this court for further orders in case there is a default. In view of the above order, presence of Mr.Deepak Shah is dispensed with.

(K.R.SHRIRAM,J)