

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 638 OF 2017
IN
COMPANY PETITION NO. 486 OF 2000

DSL Enterprises Pvt. Ltd.

..... Applicant

IN THE MATTER BETEWEEN

SICOM Limited

..... Petitioner

VERSUS

DSL Enterprises Pvt. Ltd.

..... Respondent

Mr.Raj Patel, i/b. Mr.Prakash Punjabi & CO. for the Original
Petitioner/Respondents in Civil Application.

Mr.Mukul Taly, i/b. S.Mahomedbhai & Co. for the Applicants in the
Civil Application.

CORAM : R.D. DHANUKA, J.

DATE : 23rd JULY, 2018

P.C.

By this company application, the applicant seeks recall of the
order dated 15th February, 2017 partially modified vide order dated 10th
March, 2017.

2. Learned counsel appearing for the review petitioner submits that
the said orders dated 15th February, 2017 and 10th March, 2017 could
not have been passed by this court and are erroneous orders.

3. On 15th February,2017, this court had recorded the statement
made by the learned counsel appearing for the applicant (original

respondent in the petition) that the respondent would apply for appropriate order before the National Company Law Tribunal for continuation of the scheme sanctioned by the BIFR on 14th September, 2006 in view of the notification dated 25th November, 2016 issued by the Government. On 10th March 2017, an application was made by the applicant for speaking to the minutes of the dated 15th February, 2017. This court clarified that the learned counsel appearing for the respondent did not make any such statement but the said order was passed by this court in invitum. This court accordingly by an order dated 10th March, 2017 directed the respondent to apply for an appropriate order before National Company Law Tribunal for continuation of the scheme sanctioned by BIFR on 14th September, 2006.

4. Even if such direction could not have been issued by this court on 10th March, 2017 the remedy of the petitioner would be by way of appeal against the said order and not by way of review application. There is no error on record pointed out by the learned counsel for the applicant.

5. Company application is misconceived and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]