

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L) NO.454 OF 2017
IN
COMPANY PETITION NO.153 OF 2016**

M/s. Royal Carbon Black Pvt. Ltd.Applicant

IN THE MATTER BETWEEN :

M/s. Decent EngineeringPetitioner

Vs.

M/s. Royal Carbon Black Pvt. Ltd.Respondent

Mr. M.P. Vashi, senior advocate a/w. Ms. Aparna Devkar and Ms. Tanya Barwal i/b. M.P Vashi Associates for applicant.

Ms. Pallavi Bali a/w. Ms. Anju Singh i/b. Bali Associates for respondent/
original petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 9th JANUARY, 2018

P.C.:

1 Heard the counsel for applicant as well as counsel for original petitioner and also considered the affidavit in support.

2 Though it does appear from the affidavit in support itself that respondent company had failed in diligently following up the matter by filing Vakalatnama, affidavit in reply and remaining present on the date the petition was taken up for admission, since admission of winding up petition results in a heavy blow to the affairs of the company, I am inclined to exercise my discretion and recall the order of admission dated 13th July, 2017. Ms. Bali states that they are yet to advertise the petition.

3 Therefore, in my view, there is no other impediment in recalling the order dated 13th July, 2017. The said order accordingly stands recalled.

4 Application accordingly stands disposed.

5 Applicant to pay a sum of Rs.10,000/- as cost to petitioner by way of cheque drawn in favour of the Advocate on record for petitioner. This amount to be paid within two weeks from today.

6 Mr. Vashi states that before the end of this week, respondent will file Vakalatnama in the petition.

7 Affidavit in reply to be filed and copy served within one week from today. Rejoinder, if any to be filed and copy served within one week thereafter.

8 Petition to be listed for admission on 29th January, 2018.

(K.R. SHRIRAM, J.)