

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

**COMPANY APPLICATION NO.679 OF 2017
IN
COMPANY PETITION NO.639 OF 2015**

Prestine Commercials Pvt. Ltd.)....Applicant/Petitioner
V/s.

Safintra Roofing (India) Limited)....Respondent

Mr.Vivek Kantawala and Mr.Amey Patil i/by Vivek Kantawala and Co.
for the applicant/petitioner.

Mr.Saurabh Mishra i/by R.R.Mishra for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 15.1.2018

P.C.:-

1 On 23.1.2017, when the petition was taken up for admission, counsel for respondent made a statement that they would deposit Rs.43,37,795/- with the Prothonotary & Senior Master, High Court, Bombay within 10 weeks. Court had made it clear that if the amount was not deposited, the petition will stand admitted and advertised. It is stated that respondent complied with the directions and by virtue of paragraph nos.4 & 5 of the order dated 23.1.2017, petition has, technically, got disposed.

2 After the amount was deposited, parties have amicably resolved their difference and by a letter dated 28.10.2017 from

respondent to petitioner, copy whereof is at Exh.B to the application, respondent agreed that out of the amount of Rs.43,37,795/- deposited by respondent with the Prothonotary & Senior Master, petitioner can withdraw Rs.34,21,000/- in full and final settlement of all claims of petitioner and the balance amount of Rs.9,16,795/- together with accumulated interest to be paid over to respondent. The relief sought in this company application is also the same.

3 Mr.Mishra appearing for respondent states he has no objection to the reliefs as sought in the company application. In the circumstances, Company Application disposed in terms of prayer clauses-(a) and (b) which read as under :-

“(a) that the Hon'ble Court be pleased to direct the Prothonotary & Senior Master, High Court, Bombay to release the amount of Rs.34,21,000/- in favour of Applicant (Orig.Petitioner) out of the total amount of Rs.43,37,795/- which was deposited in this Hon'ble Court by the Respondent Company in Company Petition No.639 of 2015 ;

(b) that the Hon'ble Court be pleased to direct the Prothonotary & Senior Master, High Court, Bombay to release the amount of Rs.9,16,795/- along with the interest accrued on the total amount of Rs.43,37,795/- in favour of the Respondent Company from the investments done by Prothonotary & Senior Master, High Court, Bombay from 15th March, 2017 in Company Petition No.639 of 2015.”

(K.R.SHRIRAM,J)