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

WRIT PETITION (L) NO.619 OF 2019

Genuine Gold Pvt. Ltd. & Ors. ... Petitioners
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Sanjay Dubey with Ankita Upadhyayh, i/b. Akhlak Khan for the Petitioners.

Mr. R.J. Mane, AGP for the State.

Mr. Hjazel R. i/b. Mr. V.N. Ajikumar for the Respondent Nos. 1 and 2.

**CORAM: A.A.SAYED &
RIYAZ I. CHAGLA, JJ.**
DATE: 6TH MARCH, 2019.

PC:-

1. The Petitioner No.2 Mr. Ganpat Hariram Bishnoi has filed an Undertaking before this Court the same reads as under:

AFFIDAVIT / UNDERTAKING ON BEHALF OF THE PETITIONERS ABOVENAMED.

I, Ganpat Hariram Bishnoi, Director of Petitioner No.1 and as Petitioner No.2 in the present Petition, hereby undertake / state on solemn affirmation as under:

1. The Hon'ble DRAT, Mumbai vide order dated 29/01/2019 in M.A. No.85/2019 in Misc. Appeal No.8 of 2019 ordered me to deposit 50% of the Rs.3,38,22,365/- (Rupees Three Crores Thirty Eight Lakhs Twenty Two Thousand Three Hundred and Sixty Five only) i.e. the amount mentioned in the Notice dated 03.10.2017 in two instalments. First instalment of Rs.85 lakhs shall be deposited before 4 p.m. of 30/01/2019 and the remaining

amount shall be deposited within 30 days therefrom in the form of demand drafts with the Registrar of the Hon'ble Tribunal. Failure to deposit any single instalment would result in automatic dismissal of Appeal.

2. I say that I have already made a payment of Rs.85,00,000/- (Rupees Eighty Five Lakhs only) on 30.01.2019, pursuant to the order dated 29.01.2019 passed by the Hon'ble DRAT, Mumbai.

3. However, I am unable to deposit the entire remaining amount of Rs.84,11,182/- (Rupees Eighty-Four Lakhs Eleven Lakhs One Hundred and Eighty Two Only) in one go and thus prayed before this Hon'ble Court to grant me extension of time for doing the same which was granted by this Hon'ble Court by way of indulgence.

4. I hereby undertake to deposit by tomorrow an amount of Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only) by demand draft before the Hon'ble DRAT as part payment as per order dated 29.01.2019 in M.A. No.85/2019 in Misc. Appeal No.8 of 2019.

5. The balance amount of Rs.59,11,182/- (Rupees Fifty-Nine Lakhs Eleven Thousand One Hundred and Eighty-Two only) will be deposited on or before 08.04.2019.

6. In the circumstances, I humbly pray that the Petition be disposed in the aforesaid terms.

2. We accept the Undertaking of the Petitioner No.2. Time for deposit shall stand extended in terms of the Undertaking. We make it clear that in the event the amount as mentioned in paragraph Nos.4 & 5 of the Undertaking is not deposited, the benefit of this order shall not be available to the Petitioners and

the Petition shall stand dismissed. If the amounts are deposited, the Appeal before the DRAT shall stand restored, if dismissed.

3. The Petition is disposed of in the above terms.

(RIYAZ I. CHAGLA J.)

(A.A.SAYED, J.)