

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

**APPEAL NO. 113 OF 2019
IN
COMPANY APPLICATION NO. 608 OF 2018
IN
COMPANY PETITION NO. 756 OF 2014**

Oil and Natural Gas Corporation .. Appellant
Vs.
Mathew Associates Hook-Up and
Weld Services & Ors. .. Respondents

Mr.S.P. Bharti, Advocate for appellant.

Ms.Sneha Patil a/w. Ms.Hema Chhabra, Ms.Neha Shah I/b Maniar
Srivastava Associates for respondents.

Mr.L.T. Satelkar, Advocate for Official Liquidator.

**CORAM : R. M. BORDE &
N.J. JAMADAR, JJ.**

DATE : 28TH MARCH 2019

P.C.

1. The instant appeal arises out of the identical facts giving rise to appeal (Lodg.) No.497 of 2003 in company petition No.756 of 2014, which has already been disposed by the Division Bench of this Court on 6th December 2018. The instant appeal can also be disposed of in the similar terms.

2. The appellant to company application (Lodg.) No.598 of 2018 in company petition No.756 of 2014 has been directed by the learned Single Judge of this Court, while dealing with the said application, to deposit a

sum of Rs.30 crores with the Prothonotary and Senior Master, High Court, Bombay on or before 5th November 2018. It is recorded in the order that on 26th April, 2018, respondent no.2-Oil and Natural Gas Commission was directed to pay a sum of Rs.12.66 crores towards 73% of outstanding dues of the vendors. It is further recorded that the liability of the company is in the region of Rs.30 crores. This Court, during the first hearing on 2nd November 2018, by an ad-interim arrangement, directed the Oil and Natural Gas Commission to deposit a sum of Rs.12.66 crores within a period of two weeks from the date of the order and till the next date, the order passed by the learned Company Judge was directed to be stayed.

3. The learned counsel for the appellant informed us that the amount as directed, vide order dated 2nd November 2018, has already been deposited by the appellant. The said amount has already been withdrawn by the respondents.

4. The respondents have tendered an Affidavit-cum-Undertaking, text thereof has been incorporated recorded by the Division Bench in the order dated 6th December 2016. Since the respondents have already tendered an Affidavit-cum-Undertaking, the same can be read in the instant proceedings and there is no need to pass a direction for presentation of a fresh undertaking. In view of above, we do not find it necessary to detain

the instant appeal further and the same can be disposed of.

5. The appeal is disposed of in identical terms as in the matter of appeal (Lodg.) No.497 of 2018 in company petition No.474 of 2018 decided on 6th December 2018. The order passed by the Company Judge accordingly stands modified.

6. The appeal accordingly stands disposed of. There shall be no order as to costs.

7. In view of disposal of the appeal, pending Notices of Motion do not survive and accordingly stand disposed of.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]