

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2972 OF 2018
WITH
CIVIL APPLICATION NO.212 OF 2019
IN
WRIT PETITION NO.2972 OF 2018**

The Godavari Biorefineries Ltd.Petitioner

V/s.

The Asset Reconstruction Company
of India Ltd. (ARCIL) and Ors.Respondents

Mr. K.K. Jadhav a/w. Mr. J.K. Jadhav for petitioner.

Ms. Sonal Sanap i/b. M/s. Apex Law Partners for respondent no.1.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.**

DATED : 24th AUGUST 2022

PC. :

1 This petition has been filed impugning an order dated 16th November 2017 rejecting petitioner's Misc. Application for restoration of an appeal that was dismissed for non prosecution on 28th January 2015.

2 Ms. Sanap in fairness and as an officer of the Court states that if the Court is inclined to condone the delay and direct restoration of the appeal, then petitioner should be put to terms. Mr. Jadhav states that the dismissal happened due to his personal problems and petitioner cannot be blamed for that.

3 In view of the fair stand taken by Ms. Sanap and having considered the petition, we are inclined to direct restoration of the appeal, which we hereby do. Appeal No.265 of 2004 is restored to file.

4 Petitioner shall, within two weeks from the date this order is uploaded, pay a sum of Rs.5,000/- as donation to PM Cares Fund. Within a week thereafter, petitioner shall also provide a copy of the proof of payment to respondents' advocates. The account details of PM Cares Fund are as under :

Name of the Account : PM CARES
Account Number : 60355358964
IFSC : MAHB0001160
Branch : UPSC - New Delhi

5 Petition disposed.

6 We clarify that we have not made any observation on the merits of the matter.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)