

Santosh

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

**SANTOSH
SUBHASH
KULKARNI**

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KULKARNI
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**COMPANY APPLICATION NO. 10 OF 2022
IN
COMPANY APPLICATION NO. 923 OF 2015
IN
OFFICIAL LIQUIDATOR'S REPORT NO. 14 OF 2015
IN
COMPANY PETITION NO. 394 OF 2003**

IDBI Bank Limited	...Applicant
In the matter between	
M/s. Chetan Foundaries Limited	...Applicant
Versus	
The Official Liquidator & anr.	...Respondents

Mr. Hormuz Mehta, a/w Mr. Ahsan Allana, i/b JSA, for the
Applicant.
Mr. Jehangir Jejeebhoy, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED : 4th JANUARY, 2023

PC:-

1. Heard the learned Counsel for the applicant.
2. This application is taken out to set aside the order dated 20th November, 2017, whereby Company Application No.923 of 2015 and Company Application No.156 of 2017 taken out by the applicant came to be dismissed for want of assistance on the part of the applicant to the Court in deciding those applications.

3. The learned Counsel for the applicant now assures the Court that the applicant would render the requisite assistance in adjudicating these applications and no adjournment would be sought on any count whatsoever. In view of the aforesaid statement and to advance the cause of substantive justice, order dated 20th November, 2017 dismissing Company Application No.923 of 2015 and Company Application No.156 of 2017 stands recalled subject to payment of costs of Rs.25,000/- by the plaintiff to be credited to the account of the Company (in liquidation) within a period of two weeks.

4. In the event of default in payment of costs, this order would stand recalled automatically without reference to the Court and the instant application would stand dismissed.

5. In the event of payment of costs, the Company Application No.923 of 2015 and Company Application No.156 of 2017 would stand restored to file, and, thereupon, Company Application No.923 of 2015 and Company Application No.156 of 2017 be listed on 25th January, 2023.

6. Company Application No.10 of 2022 stands disposed.

[N. J. JAMADAR, J.]