

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.11992 OF 2024
IN
WRIT PETITION NO.11864 OF 2023**

Meenamani Ganga Builder LLP	Applicant
IN THE MATTER BETWEEN	
Meenamani Ganga Builder LLP	Petitioner
V/S	
Kirit Meghaji Vora & Ors.	Respondents

Mr. Jaydeep Deo *for the Petitioner/Applicant.*

Mr. Ashwin Shete a/w Mr. Abhay Dhodiwal i/b M/s. Jayakar & Partners *for Respondent Nos.1 to 6.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 26 AUGUST 2024.**

P.C.:

1 This Interim Application is filed seeking the permission to deposit the amount of license fees in six equal monthly installments from September 2024 to March 2025. While disposing of Writ Petition No.11864 of 2023 this Court directed time of four weeks to the Petitioner to deposit the outstanding amount of license fees for saving the consequence of striking off the defence. The order passed by this Court on 8 July 2024 was challenged by the Petitioner before the Supreme Court and on 5 August 2024 following order is passed:

“1. Heard Mr. Ashutosh Dubey, learned counsel for the petitioner. Mr. Dubey seeks to withdraw the Special Leave Petition to make a request to the High Court for considering payment of amount by way of installments.

2 Permission is granted.

3 Accordingly, the Special Leave Petition is dismissed as withdrawn with liberty, as prayed for.”

2 It appears that as of now, the total arrears of license fees for the period from July 2020 to October 2022 is Rs.5,68,59,961/-. However according to Mr. Shete the learned counsel appearing for Plaintiff, the amount of license fees due alongwith interest is Rs.5,85,07,499/-. When this Court gave a suggestion that the Petitioner should deposit amount of Rs.2 crores each during September 2024 and October 2024 and the balance amount of Rs.1,68,59,961/- in November 2024, Mr. Deo, the learned counsel appearing for Applicant after taking instructions from his client submits that the Applicant is unable to make the said deposit on account of financial crunches. Mr. Deo instead shows willingness to deposit amount of Rs.2 crores each during October 2024 and November 2024 and the balance amount of Rs.1,68,59,961/- in December 2024. While this Court would have been justified in rejecting the said prayer only, with a view to ensure that the amount of license fees is brought to the Court, which would ultimately enure to the benefit of the Plaintiff, in my view, some time deserves to be granted to the Applicant for making the deposit of amount of Rs.5,68,59,691/- in installments.

3 Accordingly the Applicant would be at liberty to deposit amounts of Rs.2 crores each during October 2024 and November 2024 and

Rs.1,68,59,961/- in December 2024. In the event the Applicant makes the aforesaid deposits within the stipulated time, the defence of the Defendant shall stand restored. In the event there is even single default on the part of the Applicant in making the aforesaid deposits within the time stipulated, the Small Causes Court shall not only proceed to pass an order of striking off the defence of Applicant/Defendant, but Plaintiff would be at liberty to file fresh application for attachment and sale of properties of the Applicant. With the above directions, the Interim Application is accordingly **disposed of**.

(SANDEEP V. MARNE, J.)

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