

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

**INTERIM APPLICATION NO. 640 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO. 205 OF 2019**

HI-TECH ELASTOMERS LIMITED)...APPLICANT

V/s.

**DBM GEOTECHNICS AND CONSTRUCTIONS)
PVT. LTD.)...RESPONDENT**

Mr.Pankaj Shah, Advocate for the Applicant.

Ms.Sayali Phansikar i/by Mandlik & Partners, Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 28th AUGUST 2024

P.C. :

1. Pursuant to order dated 29th July 2024, today when the matter is called out, Mr.Shah, learned Counsel, appears for the Applicant and firstly tenders an apology for not attending the Court on the last occasion, submitting that he was unable to attend the Court due to health reasons.

2. Mr.Shah submits that by letter dated 30th July 2024, a communication has been addressed to the Resolution Professional to furnish resolution plan, information memorandum and the status report of the implementation of the resolution plan, and that, once he receives it, he will take instructions from his client in accordance with Section 31 of the Insolvency and Bankruptcy Code, 2016, read with the decision of the Hon'ble Supreme Court in the case of ***Ghanshyam Mishra and sons private limited through the Authorized Signatory vs. Edelweiss Asset Reconstruction Company Limited***¹.

3. Ms.Phansikar, learned Counsel, appearing for the Corporate debtor reiterates that since the operational creditor has been given nil under the resolution plan and as per the decision of the Hon'ble Supreme Court in *Ghanshyam Mishra and sons private limited through the Authorized Signatory vs. Edelweiss Asset Reconstruction Company Limited (supra)*, there would be no further liability on the corporate debtor in view of clean slate principle, the execution application has become infructuous and that this Court dispose of the application as such.

1 (2021) 9 SCC 657

4. Having heard the learned Counsel, this Court is of the view that the Resolution Professional to respond to the communication dated 30th July 2024 from Mr.Shah's client within a period of one week.
5. List on 18th September 2024.

(ABHAY AHUJA, J.)