

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

**INTERIM APPLICATION NO. 7315 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 33394 OF 2023**

Baco Metallic Industries

...Applicant

V/s.

ECGC Ltd.

...Respondent

Mr. Dipen Furia i/b Mr. Harsh Kesharia for the Applicant.

Mr. Chintan Gandhi with Mr. Abhishek Mookherjee i/b Shardul Mr. Amarchand Mangaldas for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 1st DECEMBER, 2025

PC. :

1. This Application seeks restoration of the Commercial Execution Application that came to be dismissed by a self-operative order of this Court for non removal of the office objections.

2. Mr. Furia, learned Counsel appearing for the Applicant submits that the Execution Application was listed on 4th August, 2025, when this Court directed the Applicant to comply with the objections raised, within a period of two weeks. Mr. Furia submits that the objections ought to have been removed and registered number ought to have been obtained on or before 18th August, 2025, however, the same could not be done. Mr. Furia submits that the Advocate for the Applicant on

account of his medical urgency could not avail the extension of time for removal of the office objections and registration of the Application. That the Advocate for the Applicant was short staffed and could not remove the office objections. That the Advocate resumed work from 15th September, 2025 and when he checked the portal of this Court to remove the objections, he found that the Application was disposed on account of non removal of objections.

3. Mr. Furia submits that the present Application ought to have been filed on or before 17th September, 2025 and that there is also a delay of 7 days in filing the Application.

4. Mr. Furia submits that the non removal of office objections is not intentional or deliberate but due to the circumstances of the Advocate concerned and the delay of 7 days is because of client viz. the Applicant is based in Delhi. Mr. Furia has submitted that soon upon resumption on work on 15th September, 2025, the restoration application has been verified on 24th September, 2025. Mr. Furia submits that for the aforesaid reasons the Applicant need not be inconvenienced or made to suffer and therefore, this Court may for reasons stated in paragraphs 7 to 16 of the Application allow the Application.

5. Mr. Furia submits that once the Application is allowed, some time be granted to remove the office objections.

6. Mr. Gandhi, learned Counsel appears for the Respondent / Judgment Debtor and fairly submits that since the reasons have been explained, he would not raise any objection.

7. Having heard the learned Counsel and having considered the submissions and for reasons as submitted before this Court and as contained in paragraphs 7 to 16 of the Application, this Court is of the view that the Interim Application be allowed; the delay in filing the Application be condoned and the Commercial Execution Application (L) No. 33394 of 2023 be restored to file.

8. Let the objections now be removed and registered number be obtained within a period of four weeks.

9. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
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