

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

APPEAL NO.146 OF 2024

IN

INTERIM APPLICATION NO.33 OF 2019

IN

COMPANY PETITION NO.397 OF 2000

WITH

INTERIM APPLICATION NO.3718 OF 2024

IN

APPEAL NO.146 OF 2024

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Royal Cushion Vinyl Products Ltd., .. Appellant.

Versus

ING Deutschland GmbH .. Respondent.

Mr. Nitin Thakker, Sr. Advocate *with Adv. Zulfiqar Jariwala and Adv. Sakshi Jain, Advocate for the Appellant.*

Mr. Aaditya Mapara *i/b. Dhruve Liladhar & Co., for the Respondent.*

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JANUARY 20, 2026

P. C.

1 Mr. Thakker, the learned Senior Counsel appearing on behalf of
the Appellant, stated that he has instructions to withdraw the above Appeal.

He however stated that all contentions on merits in the Company Petition, which has now been restored pursuant to the impugned Order, be kept open to be agitated before the learned Single Judge.

2 Considering the aforesaid statement, the above Appeal is disposed of as withdrawn. No order as to costs.

3 All contentions of the Appellant on merits as well as on the maintainability of the above Company Petition are expressly kept open, to be agitated before the learned Single Judge.

4 We must mention that the impugned order also directed the Respondent herein to pay costs of Rs.50,000/- (Rupees Fifty Thousand) to the Appellant. The learned Counsel appearing on behalf of the Respondent herein, on instructions, has stated that the costs shall be paid within a period of one week from today. The said statement is accepted as an undertaking given to the Court.

5 Further, the time to file the Additional Affidavit in terms of the Order dated 12th September, 2018 is also extended by a period of one week from today.

6 We are informed that this further Affidavit has already been served on the Advocate for the Appellant. If the Appellant wants to file any counter to the aforesaid Affidavit, it is free to do so within a period of four weeks from today.

7 In light of the disposal of the above Appeal, nothing survives in the above Interim Application and the same is also disposed of accordingly.

8 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]