

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

INTERIM APPLICATION NO.3747 OF 2025

IN

COMPANY PETITION NO.985 OF 2014

Dmsons Metal Private Limited

...Applicant

Versus

Hitech Engineering Corporation
India Private Limited & Anr.

...Respondents

Mr. Anil Agarwal, for the Applicant/Petitioner.

Ms. Apurva Thipsay, for the Official Liquidator.

Mr. Chetan Shelke, Deputy O.L., present.

Coram: Madhav J. Jamdar, J.

Date: June 11, 2026

P.C.:

1. Mr. Anil Agarwal, learned Counsel for the Applicant/Plaintiff has filed *praecipe* dated 8th June 2026 in the Interim Application No.3747 of 2025 in Company Petition No.985 of 2014 seeking withdrawal of the amount deposited with the Prothonotary and Senior Master by the Respondent-Company in Company Petition No.985 of 2014.
2. By Order dated 4th December 2025 the said Interim Application No.3747 of 2025 has been disposed of by a learned Single Judge [Coram: Arif S. Doctor, J.]. However, the observations made by the learned Single Judge in the said Order dated 4th December 2025 are relevant, which read as under:

"4. The record does not indicate any application made by the Applicant to the Prothonotary & Senior Master for withdrawal of an amount, hence let the Applicant first take appropriate steps with the office of the Prothonotary & Senior Master for withdrawal of an amount. In the event, the applicant satisfies the Prothonotary & Senior Master that the Applicant is so entitled to such amount."

3. Mr. Agarwal, learned Counsel for the Applicant, points out that, pursuant to the said Order dated 4th December 2025, the matter was moved before the Prothonotary & Senior Master for withdrawal of the amount. The Prothonotary & Senior Master confirmed that the amount had been deposited and invested and directed the Petitioner to move the Court for appropriate directions regarding withdrawal of the aforesaid amount.

4. Pursuant to the said direction issued by the Prothonotary & Senior Master, Mr. Agarwal, learned Counsel for the Petitioner i.e. Applicant has filed said *praecipe* dated 8th June 2026.

5. A perusal of the record shows that a learned Single Judge [Coram: K.R. Shriram, J.] by Order dated 16th January 2018, passed the following Order in Company Application (Lodging) No.651 of 2017 in Company Petition No.985 of 2014:

"1 The underlying claim in the petition is to an unpaid vendor. The materials were supplied and invoices raised in 2012. When the petition was taken up for admission, consent terms were entered into whereby respondent agreed to pay the principal amount together with interest thereon at 12% per annum. Parties had entered into

consent terms and the schedule of payment in 18 installments is at Annexure II to the consent terms.

2 The first installment was to be paid on 30th June 2016 and the last to be paid on 30th November 2017. After 12 installments were paid, company defaulted. During making payments of 12 installments, also the company had defaulted but made up. On the application of the company, it was noted in the order dated 23rd June 2017 that the company has now paid installments upto 31st May 2017. It should be noted that even on 14th March 2017, there is an order extending time to make payments. Mr.Kulkarni for petitioner states that for the delayed payments, company did not pay any interest. Mr. Kulkarni states that for each of the delayed payment, company will pay interest at 12% per annum and the interest amounts with detailed calculations will be handed over to Shri Agarwal during this week itself. As on date, the installments due on 31st October 2017 and 30th November 2017 are outstanding. Mr. Kulkarni is seeking some time.

3 Since 16 installments have already been paid, purely by way of indulgence, I am granting time. The company to pay installment that was due on 31st October 2017 on or before 25th January 2018 and the installment that was due on 30th November 2017 to be paid on or before 3rd February 2018. It is made clear that no further time will be granted.

Provisional Liquidator not to take possession until 5th February 2018.

**4 Company Application accordingly disposed.
Notwithstanding disposal of the company application, all office objection to be removed and application to be numbered within two weeks from today.**

5 Petition be listed for directions on 5th February 2018."

6. A perusal of the said Order shows that the Petitioner had supplied material to the Respondent-Company which was earlier under

liquidation and has since been dissolved and had raised invoices in the year 2012. In the said Company Petition, consent terms were arrived at. It appears that certain instalments were not paid and, in the meantime, the Company filed an Appeal before the Division Bench of this Court, wherein a statement was made that the remaining two instalments, along with interest, had been deposited with the Prothonotary & Senior Master of this Court. The same was recorded in the Order dated 14th February 2018.

7. The Company has now been dissolved. Since consent terms had been arrived at between the Applicant i.e. Original Petitioner and the Company, and the record shows that the amount of Rs.15,30,000/- had been deposited in terms thereof, there is no impediment in granting the relief of withdrawal of the said amount by the Plaintiff.

8. Accordingly, the Prothonotary & Senior Master of this Court is directed to pay the Applicant the amount of Rs.15,82,817/- along with accrued interest. The Applicant shall be permitted to withdraw the said amount within a period of two weeks from today.

9. Accordingly, the *praecipe* dated 8th June 2026 filed by learned Counsel appearing on behalf of the Applicant is disposed of.

[Madhav J. Jamdar, J.]