

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION (L) NO. 10169 OF 2024
IN
COMMERCIAL SUIT NO. 84 OF 2024**

Prashanth Projects Ltd ...Applicant/Plaintiff
Versus
Indian Oil Corporation Limited ...Defendant

**WITH
INTERIM APPLICATION (L) NO. 30020 OF 2024
WITH
INTERIM APPLICATION (L) NO. 30314 OF 2024
IN
COMMERCIAL SUIT NO. 84 OF 2024**

Adv. T. A. Siddique i/b Akshay Kohadia for the Applicant/Plaintiff.
Adv. Sunil Gangan a/w Swapnil Shikhare, Siddharth Shibu i/b RMG Law Associates for the Defendant.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th APRIL, 2025

P.C. :

1. The captioned Interim Application, the Applicant, seeks an extension of time to remove the scrap/material of the Plaintiff that is lying at the Defendant's site in Achalapur, Andhra Pradesh.

2. This Court vide an Order dated 25th June, 2024 passed a detailed Order by which the exercise for removal of the Defendant's material/scrap was to be completed on or before 26th June, 2024. Learned Counsel for the Defendant submits that given the various complexities involved inasmuch as the size of the material being so large, the same could not be accommodated to a truck without being cut. The fact that there is grass growing over the said material at site and also the sensitivity of the site in question, it has not been possible to remove the said scrap/material within the timeline granted. It is thus the present Interim Application has been filed. Learned Counsel for the Defendant does not choose to file an Affidavit in Reply to oppose the Application but submits that some reasonable time may be given to the Defendant after which he submits that no further time be granted. He submits that if the same is not clear by the Plaintiff within the requisite time, that the Court may now grant, the Defendant shall do so in accordance with their own policies reserving their right to claim the costs thereof from the Plaintiff.

3. Having heard Learned Counsel for the Plaintiff, who does not oppose the above suggestion. Hence, time to remove the said material/scrap is extended for a period of 75 days from 26th April, 2025 i.e. up to and including 10th July, 2025.

4. It is made clear that no further application for extension of time will be entertained.

5. On this ground, after the aforesaid date, the Defendant will be at liberty to take whatever appropriate steps they deem fit for removal of the said material/scrap. Furthermore, at this stage, Learned Counsel for the Defendant clarify that there is presently material belonging to the Defendant on the site as also certain scrap. Insofar as the material is concerned, the same shall be certified in the manner conducted in the Order dated 25th June, 2024 and insofar as the scrap is concerned, the same shall be weighed and taken away by the Plaintiff. The Plaintiff shall not in any manner to certify the same. The Defendant shall only note the same has been taken out as scrap.

(ARIF S. DOCTOR, J.)