

Shephali

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 (L) SUIT NO. 9293 OF 2024

Prashnath Projects Ltd ...Applicant

IN THE MATTER BETWEEN

Prashnath Projects Ltd ...Plaintiff

Versus

Indian Oil Corporation Ltd ...Defendant

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Mr. Tahir A Siddiqui, *appeared online, i/b Akshay R Kapadia, for the Applicant/Plaintiff.*

Mr. Sunil Gangan, *with Swapnil Shikhare, i/b RMC Law Associates, for the Defendant.*

CORAM: ARIF S. DOCTOR, J

DATED: 1st July 2024

PC:-

1. Not on Board. Mentioned. Taken on board.
2. This matter is mentioned for speaking to the minutes of the order dated 25th June 2024.

3. In the second last line of paragraph 2, the words *“Defendant”* shall be corrected to read as *“Plaintiff”*.

4. In the second line of paragraph 5 the word *“nay”* shall be corrected to read as *“any”*.

5. Similarly, the sub-paragraphs in paragraph 7, sub-paragraphs 4.6 and 4.8 shall be deleted. Rest of the sub-paragraphs shall be renumbered and be corrected as sub-paragraphs in paragraph 7. The correct paragraphs are as under:

“7.1 Vehicle number/ details of crane, Hydra etc. which will be used to take out the materials should be provided 1 hour before starting the activity of removal of the equipment and material.

7.2 Details of operators/ workers/ supervisors/ Engineers who shall be authorized by the Plaintiff for the job.

7.3 Plaintiff must authorize their personnel on their letterhead and have to attest their signatures as well as photographs.

7.4 The Plaintiff has to adhere to the safety & security measures as the terminal has already been commissioned. In other words, the Plaintiff shall not breach security protocol like conducting photography, videography, entry of unauthorized persons, hampering the normal operations of the Terminal.

7.5 The Plaintiff will be given 3 days' time to listing out the materials.

7.6 The Plaintiff shall be allowed to carry out the activity of removal of the equipment and material from 9 am to 5 pm on all days as stated above.

7.7 The list of material/equipment being taken away from the terminal premises by the Plaintiff will be jointly signed by the authorized representatives of the Defendant and the Plaintiff. The same will be without prejudice to the rights and contentions of the parties in the pending suit.

7.8 The joint signature on the list of materials / equipments) to be taken out from Terminal premises cannot be treated as an admission of any claim of the Plaintiff for alleged shortfall/deviation in the number, quantity, weight, description of the materials/equipment lying in Terminal premises.

7.9 Further, such joint signature on the list of materials / equipments) to be taken out from Terminal premises cannot be treated as an admission of any claim of the Plaintiff for alleged deterioration in quality or condition of the materials/equipment lying at Terminal Premises, which claim, if any, shall stand on its own merits.

7.10. The joint statement or inventory is done in pursuance of the Court Order and the same shall not amount to any waiver of any contractual provisions.”

6. Paragraph 8 shall also be corrected to read as follows:

“8. Learned Counsel appearing on behalf of the Defendant is directed to file and serve an Affidavit in Reply to the Interim Application by 23rd July 2024. Affidavit in Rejoinder, if any, to be filed by 30th July 2024.”

7. The order dated 25th June 2024 be corrected accordingly.

(ARIF S. DOCTOR, J)