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

COMPANY PETITION NO. 559 OF 2014

Hatim Glazing & Cladding Pvt. Ltd. ...Petitioner
VS
Bombay Dyeing & Manufacturing Co. Ltd. ...Respondent.

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Ms Vidhya N Shet i/b Vaid & Associates for the Petitioner
Mr Zal Andhiyarujina a/w Ms Rujuta Patil i/b Negandhi Shah & Himayatullah for
the Respondent.
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**CORAM : S.C. GUPTE, J.
OCTOBER 05, 2015**

P.C. :

The Petition seeks winding up of the Respondent company on the basis of its claim arising under a work order issued by the Respondent to the Petitioner for certain glazing work. The claim is for a sum of Rs.7.77 lacs. The work order was for a sum of Rs.58 lacs out of which a sum of over Rs.50 lacs has already been paid towards execution of the work order. The balance payment is disputed by the Respondent company. The Respondent company has placed on record in its reply several emails exchanged between parties. These emails deal with various disputed aspects of the work carried out including approval of the designer, quality of work, belated completion giving a rise to liquidated damages, etc. These emails indicate that contemporaneously when the work was being carried out and money was demanded, several disputes were raised by the Respondent. These disputes persist till date. The correctness or otherwise of these disputes is not a matter for this court to go into. Obviously, evidence will have to be lead on these disputes to satisfy the Court that the Respondent indeed owes the alleged debt to the Petitioner. There is no case made out of an undisputed debt, on which a company petition could be based. The Petition is, accordingly, dismissed. There shall be no order as to costs.

(S.C.GUPTE J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/ Order.