

**In the High Court of Judicature at Hyderabad  
for the State of Telangana and the State of Andhra  
Pradesh**

**Company Petition No.241 of 2015**

**Between:**

Balajee Infratech & Construction Pvt. Ltd.,  
Mumbai, rep. by its Manaager Procurement  
Mr.K.Muraleedharan Nair.

**... Petitioner**

**and**

-  
Madhucon Projects Ltd.,  
Khammam

**...Respondent**

**Date of Judgment Pronounced: 18-08-2015**

**Submitted for Approval:**

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

1. Whether Reporters of Local newspapers  
Yes/No  
may be allowed to see the judgments ?
2. Whether the copies of judgment may be  
Yes/No  
marked to Law Reporters/Journals
3. Whether Their Ladyship/Lordship wish to  
Yes/No  
see the fair copy of the Judgment ?

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**Company Petition No.241 of 2015**

**Dated 18.08.2015**

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**Between:**

Balajee Infratech & Construction Pvt. Ltd.,  
Mumbai, rep. by its Manaager Procurement  
Mr.K.Muraleedharan Nair.

**... Petitioner**

**and**

-  
Madhucon Projects Ltd.,  
Khammam

**...Respondent**

**Counsel for the Petitioner:            Mr.I.Koti Reddy**

**Counsel for the respondent:        None appeared**

**The Court made the following:**

**Order:**

This Company Petition is filed for an order to wind up the respondent- Company for non-payment of the alleged debt due to the petitioner.

The petitioner has earlier filed Company Petition No.28 of 2013 for the same relief and this Court, by Order, dated 03.10.2013, has dismissed the same by recording a finding that the matter has been settled between the parties outside the Court.

The present Company Petition is filed on the allegation that the respondent has committed breach of the terms of the settlement. A perusal of

Order, dated 03-10-2013 in CP.No.28 of 2013, shows that this Court has not left the petitioner with the liberty to file a fresh Company Petition in the event of failure of the respondent to comply with the terms of settlement. In my opinion, unless such a leave is granted by the Court in the earlier Company Petition, the petitioner cannot be permitted to file successive Company Petitions in respect of the same debt.

In this view of the matter, this Company Petition is dismissed, however, with liberty to the petitioner to claim appropriate relief in CP.No.28 of 2013.

As a sequel to dismissal of the Company Petition, Company Application No.1254 of 2014 is disposed of as infructuous.

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**(C.V.Nagarjuna Reddy, J)**

**Dt: 18<sup>th</sup> August, 2015**  
**LUR**