

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

**COMPANY APPEAL NO. 12 OF 2012  
IN  
COMPANY PETITION NO. 117 OF 2009-CLB(MB)**

Kamal Kishor Singhaniya

.. Appellant

Vs.

Vimal Kishor Singhaniya & Ors.

.. Respondents

Mr.Hitesh P. Mutha i/b. Ms.Aradhana Prabhu for appellant.

Mr.R.R. Verma i/b A.M. Saraogi for respondents.

**CORAM : K.R.SHRIRAM, J.  
DATE : 8<sup>TH</sup> JANUARY, 2016**

**P.C.**

1 The parties have invited the Court to pass a consent order and have tendered minutes to that effect dated 8.01.2016. The same is taken on record and marked 'X' for identification.

2 The following order, by consent, therefore passed :

1 Appeal stands allowed and the impugned order of the Company Law Board dated 21<sup>st</sup> October 2011 in Company Petition No.117 of 2009 is set aside. The Company Petition 117 of 2009 before Company Law Board at Mumbai shall stand restored and the same shall be disposed of on merits and in accordance with law.

2 Since the Appellant (Original Petitioner) was admittedly shareholder of the Company, i.e., Shreeram Packaging Private Limited and had filed a composite Company Petition, amongst other things, challenging and disputing the purported transfer of 150 shares of the Appellant by the Respondents, it is clarified that, the said Company Petition cannot be rejected at the threshold on the ground that the Appellant does not have the *locus standi* to maintain the Petition and the same (i.e. the validity of the purported transfer of 150 shares of the Appellant by the Respondents) shall be decided while finally hearing the Petition on other issues involving rights and interests of the parties.

3 Further, the order dated 9.04.2012 passed by this Court shall continue to operate till the hearing and final disposal of the said Company Petition by the Company Law Board.

4 No order as to costs.

**(K.R. SHRIRAM, J.)**