

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

**APPEAL NO. 199 OF 2015
IN
COMPANY PETITION NO. 668 OF 2014**

M/s. Hiranandani Palace Gardens Pvt.
Ltd. ... Appellant.
V/s.

M/s. Outdoor Advertising Professional
(India) Pvt. Ltd., & Anr. ... Respondents.

**WITH
NOTICE OF MOTION NO. 1427 OF 2016
WITH
APPEAL NO. 199 OF 2015
IN
COMPANY PETITION NO. 668 OF 2014**

M/s. Hiranandani Palace Gardens Pvt.
Ltd. ... Applicant.
In the matter of :

M/s. Hiranandani Palace Gardens Pvt.
Ltd. ... Appellant.
V/s.

M/s. Outdoor Advertising Professional
(India) Pvt. Ltd.. ... Respondent.

Mr. Rohan Cama a/w. Mr. Aditya Sikka i/by Bharucha &
Partners for the Appellant.
Mr. Lipsa Unadkat i/by Manilal Kher Ambalal & Co. for the
Intervener.
Mr. Anurag Gokhale, for the Official Liquidator.

**CORAM : ANOOP V. MOHTA AND
P. R. BORA, JJ.**

DATE : 31st JANUARY, 2017

ORDER :

1 On hearing the concerned parties, we are disposing of this Appeal as the challenge is to the impugned orders of admission and winding up of the appellant company vide orders dated 5th January, 2015 and 5th February, 2015 respectively and as the present Appellants have settled the matter by making the requisite payments that was due and payable not only to Respondent No.1 Company, who approached this Hon'ble Court in present company petition but also to other companies in other company petitions viz. (1) Company Petition No. 366 of 2013 : Tata Capital Financial Services Ltd.. Vs. Hiranandani Palace Gardens Pvt. Ltd., (2) Company Petition No. 904 of 2014 : Actis Technologies Pvt. Ltd.. Vs. Hiranandani Palace Gardens Pvt. Ltd.. (3) Company Petition No. 669 of 2014 : Adzedgea, a division of Outdoor Advertising Professionals (India) Pvt. Ltd.. Vs. Hiranandani Palace Gardens Pvt. Ltd., (4) Company Petition No. 388 of 2015 : Voltas Ltd.. Vs. Hiranandani Palace Gardens Pvt. Ltd., (5) Company Petition No. 151 of 2015 : Jaguar Services Pvt. Ltd.. Vs. Hiranandani Palace Gardens Pvt. Ltd., and, (6) Company Petition No. 1102 of 2015 : Edelweiss Asset Reconstruction Co. Ltd.. Vs. Hiranandani Palace Gardens Pvt.

Ltd.. The orders so passed in those company petitions are placed on record to show that the appellants have settled the dispute and made requisite payment to those companies and accordingly the settlements have been recorded even by the court in respect of those matters. Those orders are part of record of the present Appeal. The list of those orders marked as "X" is taken on record.

2 As the parties have settled the matter, except the official liquidator and Tata Capital Financial Services Ltd, the intervenor, no other parties have appeared in the matter.

3 The learned counsel appearing for the official liquidator, on instructions, based upon the record available as on today, makes a statement that there are no other company Petitions pending against the appellant company in their office. Therefore, in view of the orders so passed by this court and as the settlement in the petitions was recorded, as above, we are of the view that the present Appeal can also be disposed of as the basic claims have been settled and recorded even by this court in various orders.

4 In view of the above, and as now the claims of the parties are settled between the parties, there is no case surviving against the appellant company for admission and/or

for winding up the same, as was done by the impugned orders so passed.

5 Thus both the impugned orders dated 5th January, 2015 and 5th February, 2015 are quashed and set aside.

6 Appeal is disposed of accordingly in view of the above settlement.

7 Notice of Motion No. 1457 of 2016 is also disposed of.

8 The Official liquidator is discharged.

9 The parties concerned and the ROC (the Registrar of Companies) to act accordingly, on the basis of the authenticated copy of this order.

(P. R. BORA,J.)

(ANOOP V. MOHTA J.)

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