

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

**APPEAL (L) NO. 183 OF 2016
WITH
NOTICE OF MOTION NO.1302 OF 2016
WITH
NOTICE OF MOTION (L) NO.1486 OF 2016
IN
APPEAL (L) NO.183 OF 2016
IN
COMPANY PETITION NO.28 OF 2012**

Akash Saraf	... Appellant.
Versus	
The Bank of New York Mellon	
London Branch and others.	... Respondent

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Mr. Zal Andhyarujina a/w mr. P.A. Kabadi, Ms. Taruna Nagpal i/b. Doijode Associates for the Appellant.

Mr. Janak Dwarkadas, Senior Counsel a/w Mr. Rohan Rajadhaksha, Ms. Sukanya Bhaumik, Mr. Hriday Khurana i/b. AZB and Partners for Respondent No.1

Mr. Venkatesh Dhond, Senior counsel a/w Mr. Sharan Jagtiani, Mr. Vyapak Desai , Mr. Siddharth Rathod i/b. Nishith Desai Associate for Respondent Nos. 2 to 4.

Mr. J.P. Sen, Senior Counsel a/w Mr. Rakesh Reddy for Respondent No.5.

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***CORAM : Smt. Vasanti A Naik &
Sarang V. Kotwal, JJ.***

DATE : 19th December, 2017.

P.C. :

Heard.

The learned counsel for the respondent nos. 2 to 4 states that the respondents would not be proceeding with the transaction that was the subject matter of the petition before the company Judge.

It is stated that the said transaction is abandoned and therefore the cause for filing the company appeal is rendered infructuous. It is stated that a fresh process would be initiated.

The learned counsel for the appellants states that the company appeal would not be rendered infructuous and the order of the company Judge could be rendered as such.

Without adjudicating upon the said issue, the company appeal could be conveniently disposed of by holding that the order of the learned Single Judge would not be acted upon by any of the parties to this appeal. Each of the parties to this company appeal agree that the order of the learned company Judge would not be acted upon.

In view of the aforesaid, we dispose of the company appeal with no order as to costs.

(Sarang V. Kotwal, J)

(Smt.Vasanti A Naik, J)