

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) NO. 232 OF 2017
IN
COMPANY APPLICATION NO. 265 OF 2017
WITH
NOTICE OF MOTION (L) NO. 1230 OF 2017
IN
APPEAL (L) NO. 232 OF 2017**

Rajesh Lihala (Ex-Director) and Others Appellants

Vs.

Fourcee Infrastructure Equipments Pvt. Ltd Respondents
and Others

Mr. Anuj Bhambani, Senior Counsel i/b Global Law Offices for Appellants
Mr. Chetan Kapadia a/w Mr. Nimay Dave, Vijayendra Purohit, Vivek Dwivedi
i/b Manilal Ambalal for Respondent no. 3.
Mr. L. T. Satelkar Official Liquidator.

**CORAM : NARESH H. PATIL &
Z. A. HAQ, JJ.**

DATE : 26th SEPTEMBER 2017.

P.C.

1 We have heard the learned counsel for the parties for quite some time. We have perused the record placed before us. In the facts of the case, we find that the issues raised by the appellants in this appeal could be raised before the learned Single Judge during the hearing of the Company Petition. It is informed that the Company Petition is listed, today itself before the learned Single Judge.

2 All the issues are therefore kept open including the issue as to whether consent terms signed and presented by the parties during the course of hearing of the Company Petition could be a ground to order winding up of the company.

3 It is clarified that we have not expressed any opinion on merits, issues raised before us. The learned Single Judge would deal with the issues arising during the course of hearing on its own merits without being influenced by the observations made by us.

4 Appeal is disposed of.

5 In view of the disposal of appeal, notice of motion (L) no. 1230 of 2017 does not survive and the same is disposed of.

[Z. A. HAQ, J.]

[NARESH H. PATIL, J.]