

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

**APPEAL (L) NO. 376 OF 2017
IN
COMPANY PETITION NO.647 OF 2015**

NSD Global Trade Private Limited ... Appellant.

Versus

Vijaynath Roof and Wall Cladding
Systems private Limited ... Respondent

....

Mr. D.B. Zaveri i/b. Mr. Sunil R. Yadav for the Appellant.
None for the Respondent.

....

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

DATE : 19th December, 2017.

P.C. :

By this company appeal, the appellant has appealed against the order of the learned company Judge, dated 05.07.2017 in company petition no.647/2015.

On hearing the learned counsel for the appellant and on a perusal of the order of the learned Single Judge, the agreement dated 10.10.2012 as also the bills annexed to the company appeal it appears that the learned Single Judge had rightly exercised the discretion in refusing to adopt the proceedings for the winding up of the company of the respondent. The learned Single Judge had held that certain amount was paid by the respondent to the appellant and in regard to the amount that was allegedly payable

by the respondent, there was a bonafide dispute, in as much as, according to the respondents, the bills submitted by the appellants were not duly signed by the site engineer and the project head. The learned company Judge had rightly observed that the appellant is entitled to avail appropriate proceedings for recovery of the balance amount if so advised, but a case was not made out for taking steps for the winding up of the respondent-company.

Since, the order of the learned Single Judge appears to be just and proper, we dispose of the company appeal with no order as to costs.

(Sarang V. Kotwal, J)

(Smt.Vasanti A Naik, J)