

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

**APPEAL (L) NO.268 OF 2018
IN
COMPANY PETITION NO.532 OF 2016**

Mukund Limited	..Appellant
Versus	
Global Wind Power Limited	..Respondent

**Mr. Prakash Shah a/w Mr. Durgaprasad Poojari I/by M/s. PDS
Legal, Advocate for the Appellant.**

Mr. M. S. Bhardwaj, Advocate for the Respondent.

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 4th DECEMBER, 2018**

P.C.

1] The Appeal challenges the order dated 17th April 2018 passed by the learned Single Judge, thereby rejecting the Petition filed by the Appellant for winding up of the Respondent company.

2] We have perused the order passed by the learned Single Judge. The learned Single Judge has observed that if the Petitioner's claim as it is accepted, it will be pure claim for damages and would not be a debt defined under the provisions of the Companies Act, 1956.

3] From the perusal of the averments made in the Petition also, it would reveal that the dispute of the Petitioner is basically arising out of a contract between the parties. We see no reason to interfere with the order passed by the learned Single Judge. The Appeal is rejected.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]