

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

COMPANY APPEAL NO.58 OF 2014

IN

CLB COMPANY PETITION NO.5 OF 2010

Unicorn Skytech Limited

....Appellant

Vs.

Kaizer Finvest Private Limited & Ors.

....Respondents

WITH

COMPANY APPEAL NO.59 OF 2015

IN

CLB COMPANY PETITION NO.5 OF 2010

Prabhat Jhunjhunwala, Director of

M/s. Kizer Finvest Pvt. Ltd.

....Appellant

Vs.

M/s. Unicorn Skytech Limited & Anr.

....Respondents

Mr. Dharam Jumanani a/w. Mr. Hussain Dholkawala i/b. Mr. Suraj Iyer for appellant in COAPP/58/2014 and for respondent no.1 in COAPP/59/2015.

Mr. Farhan Dubash i/b. Mr. Ajay Basutkar for respondent nos.1 to 3 in COAPP/58/2014 and for appellant in COAPP/59/2015.

CORAM : K.R.SHRIRAM, J.

DATE : 31st JANUARY, 2018

PC.:

1 By consent, the impugned order delivered on 26th May, 2014 is set aside and the company petition no.5 of 2010 is remanded back for *denovo* hearing to the National Company Law Tribunal.

2 The appeals and interim applications accordingly stand disposed.

3 Mr. Jumanani and Mr. Dubash state that since the disputes are between two brothers/family members, they are ready and willing to go for

mediation.

4 By consent, Mr. Venkatesh Dhond, senior advocate practicing in this Court, is appointed as Mediator to mediate on all disputes not just restricted to the subject matter of the appeals which were disposed today. The fees and administrative expenses of the Mediator to be shared equally between Mr. Prabhat Jhunjhunwala and Mr. Omprakash Jhunjhunwala.

5 The mediation report to be filed by the Mediator in the revived company petition no.5 of 2010.

(K.R. SHRIRAM, J.)