

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

**COMPANY APPEAL NO.66 OF 2014
WITH
COMPANY APPLICATION IN APPEAL NO.59 OF 2015
WITH
CLB COMPANY APPLICATION NO.113 OF 2014
IN
CLB COMPANY PETITION NO.103 OF 2013**

General Atlantic Singapore Fund Pte. Ltd. & Anr.Appellants

Vs.

Fourcee Infrastructure Equipments Pvt. Ltd. & Ors.Respondents

**WITH
COMPANY APPEAL NO.68 OF 2014
WITH
CLB COMPANY APPLICATION NO.114 OF 2014
IN
CLB COMPANY PETITION NO.103 OF 2013
WITH
COMPANY APPEAL NO.72 OF 2014
WITH
CLB COMPANY APPLICATION NO.113 OF 2014
IN
CLB COMPANY PETITION NO.103 OF 2013
WITH
COMPANY APPEAL NO.73 OF 2014
WITH
COMPANY APPLICATION NO.69 OF 2014
IN
CLB COMPANY PETITION NO.103 OF 2013
WITH
COMPANY APPEAL NO.79 OF 2014
WITH
CLB COMPANY APPLICATION NO.271 OF 2014
IN
CLB COMPANY PETITION NO.103 OF 2013
WITH
COMPANY APPEAL (L) NO.20 OF 2015
WITH
COMPANY APPLICATION NO.57 OF 2015
IN
COMPANY PETITION NO.103 OF 2015**

WITH
COMPANY APPLICATION IN APPEAL NO.39 OF 2015
WITH
COMPANY APPEAL NO.79 OF 2014
WITH
CLB COMPANY APPLICATION NO.271 OF 2014
IN
CLB COMPANY PETITION NO.103 OF 2013
WITH
COMPANY APPLICATION IN APPEAL NO.59 OF 2015
WITH
COMPANY APPEAL NO.66 OF 2014
IN
COMPANY PETITION NO.103 OF 2013
WITH
COMPANY APPLICATION IN APPEAL NO.78 OF 2015
WITH
COMPANY APPEAL (L) NO.20 OF 2015
WITH
COMPANY APPLICATION NO.57 OF 2015
IN
COMPANY PETITION NO.103 OF 2013

Mr. Rohan Rajadhakshya a/w. Ms. Pooja Kshirsagar i/b. AZB and Partners for appellants in COAPP/66/2014, COAPPL/20/2015 and for respondents in COAPP/68/2014, COAPP/72/2014, COAPP/73/2014 and COAPP/79/2014.

Mr. Bindan Chandran a/w. Ms. Poonam U. i/b. Global Law Offices for ex-directors of respondent company in COAPP/66/2014 and COAPPL/20/2015 and for appellants in COAPP/68/2014, COAPP/72/2014, COAPP/73/2014 and COAPP/79/2014.

CORAM : K.R.SHRIRAM, J.

DATE : 1st MARCH, 2018

PC.:

1 Respondent no.1 company - Fourcee Infrastructure Equipments Pvt. Ltd. has been ordered to be wound up by an order dated 8th February, 2018 in company petition no.792 of 2015.

2 Since the company has been ordered to be wound up, Mr. Chandran states that all the appeals can be disposed with liberty to both the parties to apply for revival if the order dated 8th February, 2018 in company petition no.792 of 2015 winding up the company is recalled or set aside in appeal. Mr. Rajadhakshya leaves it to the Court.

3 The essence of a petition of oppression and mismanagement under Section 397 and 398 of the Companies Act is that circumstances exist that it is just and equitable that the company be wound up but that it should not be wound up.

4 In the circumstances, since the company itself has been ordered to be wound up, nothing remains in the appeals. All appeals listed today stand disposed as withdrawn with the liberty to apply for revival of all appeals and further orders in the event the order dated 8th February, 2018 in company petition no.792 of 2015 is recalled or set aside in appeal. All interim applications also stand disposed.

(K.R. SHRIRAM, J.)