

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPEAL (L) NO. 406 OF 2018

IN

COMPANY PETITION NO. 229 OF 2015

Vadraj Cement Limited ... Appellant
(Formerly known as ABG Cements Ltd.)

V/s.

Masyc Projects Private Limited ... Respondent.

WITH

NOTICE OF MOTION (L) NO. 932 OF 2018

Mr. Vikram Nankani, Sr. Counsel a/w. Mr. Ashish Rao, Mr. Durgaprasad Poojari I/b PDS Legal for the Appellants/Applicants in all the appeals.
Mr. Tarun Sharma a/w. Mr. Sagar Divekar and Mr. Nilesh Patil for the Respondent.

CORAM : A.S. OKA AND M.S. SONAK, JJ.**DATE : 10th SEPTEMBER 2018.**

P.C.:

1] This appeal was separated from the other group of appeals, as submissions of the learned senior counsel appearing for the appellant was that the argument of the appellant that there was a serious dispute about the amount claimed by the respondent company has not been dealt with by the learned Single Judge on merits. The respondent company has filed a petition bearing Company Petition No. 229 of 2015. Perusal of the impugned order shows that as Company Petition No. 863 of 2015 filed by the another creditor was made absolute, the learned Single Judge has simply disposed of Company Petition No. 229 of 2015 without granting any relief. The learned Single Judge has observed that in the event the order passed in Company Petition No. 863 of 2015 is set aside, the respondent (the petitioner in Company Petition No. 229 of 2015) will be entitled to apply for revival of the said company petition. As and when,

the said company petition is revived, the appellant can always raise a contention about the dispute.

2] Subject to what is observed above, there is no reason to entertain this appeal and the same is accordingly dismissed.

3] The pending notice of motion, if any, do not survive and the same is disposed of.

(M. S. SONAK, J.)

(A.S.OKA, J.)