

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

COMPANY APPLICATION NO.27 OF 2019

IN

COMPANY PETITION NO.322 OF 2016

Nichi Investment Company Pvt. Ltd.Applicant

Vs.

Apple Land Development Pvt. Ltd.Respondent

WITH

COMPANY APPLICATION NO.28 OF 2019

IN

COMPANY PETITION NO.306 OF 2016

WITH

COMPANY APPLICATION NO.29 OF 2019

IN

COMPANY PETITION NO.305 OF 2016

Mr. Pulkit Sharma i/b. Mr. Abhishek Adke for applicant/original petitioner.
Mr. Maulik Kirti Tanna for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 19th JUNE 2019

P.C.:

1 At the outset, Mr. Tanna states that he has not been receiving instructions and seeks leave to be discharged.

2 Mr. Tanna accordingly stands discharged.

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3 Mr. Sharma, counsel for applicant submits that reading paragraph 5 of the order dated 30th October 2017 in company petition no.306 of 2016, it gives an impression that petitioner has admitted the contentions of the company in the affidavit in reply.

4 I have to state that such an admission has not been recorded in the order. I have to clarify that I have not even considered the contentions of respondents in the affidavit in reply and not made any opinion on the merits of the said contentions. With this clarification, company application stands disposed.

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WITH

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5 These two company applications are taken out in company petition no.322 of 2016 and company petition no.305 of 2016 and both those petitions were disposed because the counsel for petitioner had stated that facts in these petitions are identical to the facts in company petition no.306 of 2016.

6 Therefore, the clarification given above in company application no.28 of 2019 will also apply to these two applications. It is open to petitioners to take out such proceedings as advised and raise all contentions in the said proceedings.

7 Both company applications accordingly stand disposed.

(K.R. SHRIRAM, J.)