

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

**COMMERCIAL APPEAL NO.520 OF 2019
IN
CHAMBER SUMMONS NO.167 OF 2017
IN
COMMERCIAL SUIT NO.308 OF 2017
WITH
NOTICE OF MOTION NO.951 OF 2019**

RAJESH
VASANT
CHITTEWAN

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Wind World (India) Ltd
And Another ... Appellants
Versus
EN Wind Power Pvt. Ltd.
And Others ... Respondents

**ALONG WITH
COMMERCIAL APPEAL NO.521 OF 2019
IN
CHAMBER SUMMONS NO.246 OF 2017
IN
COMMERCIAL SUIT NO.307 OF 2017
WITH
NOTICE OF MOTION NO.952 OF 2019**

Wind World (India) Ltd
And Another ... Appellants
Versus
Generacion Eolica India Pvt. Ltd.
And Others ... Respondents

**ALONG WITH
COMMERCIAL APPEAL NO.522 OF 2019
IN
CHAMBER SUMMONS NO.165 OF 2017**

IN
COMMERCIAL SUIT NO.307 OF 2017
WITH
NOTICE OF MOTION NO.953 OF 2019

Wind World (India) Ltd
And Another ... Appellants

Versus

Generacion Eolica India Pvt. Ltd.
And Others ... Respondents

ALONG WITH
COMMERCIAL APPEAL NO.523 OF 2019
IN
CHAMBER SUMMONS NO.238 OF 2017
IN
COMMERCIAL SUIT NO.545 OF 2017
WITH
NOTICE OF MOTION NO.954 OF 2019

Wind World (India) Ltd
And Another ... Appellants

Versus

EN Renewable Energy Pvt. Ltd.
And Others ... Respondents

ALONG WITH
COMMERCIAL APPEAL NO.524 OF 2019
IN
CHAMBER SUMMONS NO.166 OF 2017
IN
COMMERCIAL SUIT NO.545 OF 2017
WITH
NOTICE OF MOTION NO.955 OF 2019

Wind World (India) Ltd
And Another ... Appellants

Versus
EN Renewable Energy Pvt. Ltd.
And Others ... Respondents

ALONG WITH
COMMERCIAL APPEAL NO.525 OF 2019
IN
CHAMBER SUMMONS NO.217 OF 2017
IN
COMMERCIAL SUIT NO.308 OF 2017
WITH
NOTICE OF MOTION NO.956 OF 2019

Wind World (India) Ltd
And Another ... Appellants
Versus
EN Wind Power Pvt. Ltd.
And Others ... Respondents

.....

Mr. Vijayendra Purobhit i/b Manilal Kher Ambalal & Co. for the Appellants in all Appeals.

Mr. Vividh Tandon a/w Mr. Prakash Jain i/b Trilegal for Respondent No.3 in Commercial Appeal No.521 of 2019, Commercial Appeal No.523 of 2019 and Commercial Appeal No.525 of 2019.

Mr. Lalan Gupta a/w Mr. Aditya Malhotra i/b Shardul Amarchand Mangaldas & Co. for Respondent No.4 in Commercial Appeal No.520 of 2019, Commercial Appeal No.522 of 2019 and Commercial Appeal No.524 of 2019.

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**CORAM : NITIN JAMDAR AND
G.A. SANAP, JJ.**

DATE : 16 SEPTEMBER 2021

P. C. :

. Heard the learned Counsel for the parties.

2 Again a request is made for an adjournment.

3 These Appeals arise from the rejection of the plaint as against one of the Defendants. The appeals are pending for admission since 2019. They have been adjourned at the request of the Appellants in view of the pendency of proceedings before National Company Law Tribunal (NCLT), Ahmedabad. On every occasion request is made to adjourn the appeals for a longer duration. Even today, the learned Counsel for the Appellants is not able to state as to for how much time the appeals should be kept pending before they are to be proceeded on merits. Learned Counsel for the Appellants also inform that the parties are trying to explore possibility of settlement.

4 Therefore, it is not clear as to on which date the appeals will be ready for hearing. The appeals cannot be simply filed and not argued. The Suits from which the appeals arise are still pending. In these circumstances, we do not find any warrant to keep the appeals pending any further. The Appeals are disposed of. Liberty to the Appellants to revive the appeals if necessary depending upon the outcome of the settlement talks and proceedings before the NCLT, within reasonable

time thereafter.

5 In view of the disposal of the Appeals, the Notices of Motion taken out in the respective Commercial Appeals, do not survive and are disposed of.

(G.A. SANAP, J.)

(NITIN JAMDAR, J.)