

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

COMPANY APPEAL NO. 02 OF 2024

Preshit s/o Anil Bharatey

..vs..

M/s. Power Mech and anr.

With

COMPANY APPEAL NO. 03 OF 2024

Preshit s/o Anil Bharatey

..vs..

M/s. Power Mech and anr.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri Shyam Dewani, Advocate for the appellant.
 Shri A.C. Dharmadhikari, Advocate for respondent no.1.
 Shri S. Deshpande, Advocate for respondent no.2.

CORAM: VINAY JOSHI AND SMT. M.S. JAWALKAR, JJ.
DATED : 12/07/2024.

Heard.

2. It is the appellant's grievance that he did not get opportunity to place the facts before the Company Court, which resulted into passing of impugned order of dissolution of company. It is his contention that the appellant-company was engaged in so many litigation spread over at different places, and thus, they were not in a position to defend the rights of the Company. The appellant has also disputed the reports submitted by the Official Liquidator.

3. Both sides have certain grounds which are about the record and facts to be argued. To our mind, the said exercise shall be done by the Company Court after hearing both sides.

4. Learned Counsel appearing for the parties have consented that matter could be remitted back for fresh adjudication after hearing all concerns.

5. In view of the above, we hereby quash and set aside the order dated 16.02.2024 passed in the Company Petition Nos.15 and 16 of 2002. We restore the matter and remit back to the Company Court for fresh adjudication. All parties have undertaken to appear before the Company Court on 19.07.2024.

6. The appeals stand disposed of in above terms.

(SMT. M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)

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