

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Company Petition No. 28 of 1997 (O&M)  
Date of decision: 11.8.2015

**M/s Arun Poly Packs Pvt. Ltd.**

**.. Petitioner**

**v.**

**M/s Kisan Dudh Udyog Ltd.**

**.. Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: None for the petitioner.

Mr. Shubhankar Baweja, Advocate for the respondent.

...

Rajesh Bindal J.

The present petition was filed for winding up of the respondent-company on the ground of its inability to pay the debts.

The petition was directed to be admitted on 21.9.1999 and the citation was directed to be published. On 13.1.2000, the case was adjourned sine die as the matter was stated to be pending before the Board of Industrial and Financial Reconstruction (for short, 'the BIFR'). The order dated 4.5.2006 records that against the order passed by the BIFR, the company preferred appeal before the Appellate Authority for Industrial and Financial Reconstruction (for short 'AAIFR'), which was pending. On 25.1.2007, the petition was again adjourned sine die with liberty to the parties to get the same revived after the decision of appeal by AAIFR.

All the cases where the proceedings had been adjourned sine die on account of pendency of reference before the BIFR or AAIFR were directed to be listed after intimation to the counsel for the parties. When the case was taken up on 30.10.2014, none appeared for the petitioner. Even on all subsequent dates of hearing, namely, 8.12.2014, 2.3.2015 and 21.7.2015,

none represented the petitioner.

Learned counsel for the respondent submitted that the appeal is still pending before the AAIFR.

Considering the aforesaid fact, the present petition is disposed of at this stage, however, with liberty to the petitioner to get the same revived after the decision of appeal by the AAIFR, in case the claim of the petitioner is not settled.

As none has represented the petitioner, copy of the order be sent to the petitioner.

(Rajesh Bindal)  
Judge

11.8.2015  
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