**Comp.A.No.1066 of 2016**
**in**
**C.P.No.127 of 2015**

**RAJIV SHAKDHER, J.**

1. Mr.Sathish Parasuran, learned Senior Counsel, who appears for the applicant, has not been able to show any apparent error in the order dated 06.10.2016.

2. The application is, accordingly, dismissed.

**Comp.A.No.1060 of 2016**
**in**
**C.P.No.127 of 2015**

3. This is an application, which seeks modification of the order dated 06.10.2016.

4. Mr.Raman, learned Senior Counsel, who appears for the applicant i.e., Edelweiss Asset Reconstruction Company Limited says that in the order drawn up by the Registry, the directions, contained in paragraph No.9 of the order, available on the file, the aspect pertaining to physical possession of the subject property being handed over to the applicant/EARCL within two weeks of the issuance of copy of this order, has not get reflected.

5. I may only note that, the order dated 06.10.2016, which is available on the Court file, dealt with not only C.A.866 of 2016, but also

with C.P.127 of 2015. Para 9 of the order, which pertains to C.A.868 of 2016, reads as follows:

> *"9. Having regard to the circumstances set out above, I am inclined to vary the order dated 19.01.2016, to the extent that respondent No.2, i.e., RIPL will hand <u>over the physical possession of the subject property to the applicant/EARCL within a period of two weeks of the issuance of a copy of the order.</u>" (emphasis is mine)*

6. The Registry will, accordingly take corrective measures and issue a fresh certified copy of the order to the concerned parties.

7. I may also indicate that in paragraph No.13.1 as well as in paragraph No.13.2 (vi) of the order available in the Court file, the following will stand incorporated in order to remove any doubts, which may be entertained by the parties. The relevant changes which are set out herein below, are duly underlined:

> " ...
>
> *13.1. Admittedly, a statutory notice dated 07.01.2015, has been served under Section 434 of the Companies Act, 1956, on the respondent company, i.e., RIPL. Looking at the financial position of the respondent company, i.e., RIPL, it is quite clear that it is unable <u>to pay its debt.</u>*
>
> *13.2....*

*(vi) The Official Liquidator will take possession of all unsecured assets, as well as, books, documents, records and titles etc., of the respondent company, i.e., RIPL."*

8. The application is disposed of, in the aforesaid terms.

Vsm 22.11.2016

**RAJIV SHAKDHER, J.**

vsm

**Comp.A.No.1066 of 2016**
**and Comp.A.Nos.1060 of 2016**
**in C.P.No.127 of 2015**

**22.11.2016**