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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CO.PET. 98/2015**

M/S AGARWAL COAL CORPORATION PVT. LTD. Petitioner
Through Ms. Arpan Wadhwa, Adv.

versus

RATHI STEEL AND POWER LTD Respondent
Through Mr. Subhash Chawla, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 20.01.2016

Mr. Subhash Chawla, enters appearance on behalf of the respondent. He has drawn my attention to the copy of the communication dated 29.9.2015, issued by the Board for Industrial and Financial Reconstruction (in short, BIFR) whereby it is intimated that the respondent's reference filed under Section 15(1) of the Sick Industrial Companies (Special Provisions) Act, 1985 (in short, SICA) has been registered. A copy of the said communication has been furnished to the learned counsel for the petitioner.

In view of the fact that respondent's reference has been registered, the instant winding up action cannot continue any further.

[See *Real Value Appliances Ltd. Vs. Canara Bank and Ors.*, (1998) 5 SCC 554]

The petition is, thus, disposed of with liberty to the petitioner to either obtain the consent of BIFR or, to await the conclusion of the proceedings under SICA for revival of the captioned petition.

The petition be consigned to the record.

The Registry will scan and upload the copy of the communication dated 29.9.2015, placed before me by the learned counsel for the respondent so that it is available on the record of this court.

Dasti.

RAJIV SHAKDHER, J

JANUARY 20, 2016

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