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

+ W.P.(C) 3088/2016

CNC METAL FORMING LTD. Petitioner

Represented by: Ms.Radhika Goel, Advocate

versus

APPELLATE AUTHORITY FOR
INDUSTRIAL AND FINANCIAL
RECONSTRUCTION & ORS

..... Respondents

Represented by: Mr.D.R.Jain, Advocate for R-11

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **08.04.2016**

1. Having heard learned counsel for the petitioner we find no merit in the petition. Scheme for rehabilitation of the petitioner was sanctioned on February 05, 2008 and in spite of 8 years elapsing the petitioner has not become net worth positive.

2. Notwithstanding the petitioner having settled the disputes with the secured creditors, BIFR noted in its order dated July 20, 2009 that the petitioner has not been submitting progress reports to the operating agency. Consolidated balance sheets were also not being submitted. Proceedings lingered on before BIFR when representative of the petitioner stopped appearing as noted by BIFR in its order dated April 02, 2013, requiring a show cause notice under Section 30 read with Section 34 of the SICA 1985 to be issued.

3. In spite of notice being issued none appeared for the petitioner before BIFR on June 03, 2013. Fresh show cause notice was issued. Even on the next date, being September 10, 2013, none appeared for the petitioner resulting in directions being issued for the petitioner to comply with the previous orders. Compliance was not made. The petitioner refused to comply with the directions. It did not submit any progress report and did not file the latest audited balance sheets before BIFR. The date April 28, 2014 was reached.

4. The petitioner could not rehabilitate itself for the reason, as recorded by BIFR, its main architect : Shri Suneet Singhal, a director is in CBI custody since 2012. Business transactions by the petitioner have come under CBI scanner. No manufacturing activity is being undertaken.

5. The order dated November 17, 2014 passed by BIFR suffers from no infirmity nor does the impugned order dated January 18, 2016 passed by AAIFR dismissing Appeal No.25/2015 filed by the petitioner against the order dated November 17, 2014 passed by BIFR.

6. The petition is dismissed in limine without any order as to costs.

CM No.13102/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 08, 2016

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