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

+ CO.PET. 252/2015 & CA Nos. 1166/2015 & 1167/2015

LINEN ADVERTISING & COMMUNICATIONS PVT.LTD.

..... Petitioner

Through: Ms. Jasmine Dhanika, Advocate

Versus

BIG SHOE BAZAAR INDIA PVT.LTD.

.... Respondent

Through: Mr. Rajeev Bahl, Advocate for
Official Liquidator.

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+ CO.PET. 605/2015 & CA No. 2419/2015

KELLTON DBYDX SOFTWARE PVT. LTD.

.... Petitioner

Through: Mr. Prahat Kaushik, Mr. Rupesh Kr.
Sinha & Mr. Lakhan Singh,
Advocates

Versus

BIG SHOEBAZAAR INDIA PVT. LTD.

..... Respondent

Through: Mr. Rajeev Bahl, Advocate for
Official Liquidator.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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01.08.2016

Both petitions seeking winding up of the respondent company are, inter alia, predicated on the alleged non-payment of various sums of money, which according to the petitioners have remained unpaid, despite service of notice of winding up on the registered office of the

respondent company to which no reply has been given.

Today in another matter being CP No. 864/2015 titled as “Experian Services India Private Limited vs. Big Shoe Bazaar India Private Limited” also seeking winding up of the respondent company, the Official Liquidator attached to this Court has been appointed as the Provisional Liquidator.

Under the circumstances, no further orders are required to be passed in these matters.

Counsel for the petitioners seek to withdraw their respective petitions and to file an appropriate claim before the Official Liquidator as and when such claims are invited. They are permitted to do so.

At the same time, it would be open to the petitioners to take recourse to Rule 101 of the Companies (Court) Rules, 1959 in case they are so advised. It would also be open to the petitioners to intimate the Official Liquidator about the relevant particulars of the petitioners’ dues from the respondent company in each of the matters with a view to assisting the Official Liquidator in finalizing the statement of affairs of the company in liquidation and carrying out his duties; whilst making it clear that any such information to the Official Liquidator by the petitioners in these matters would not *ipso facto* amount to the institution of any claim before the Official Liquidator, and it can only be filed in accordance with the relevant Rules and at the appropriate stage.

Both the petitions, along with interim applications, stand disposed off.

SUDERSHAN KUMAR MISRA, J

AUGUST 01, 2016

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