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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CO.PET. 156/2015 & CA No.773/2015

MR. GAURAV BAJAJ

..... Petitioner

Through: Ms.Meenakshi Singh, Advocate.

Versus

ALLIANCE NIRMAN LTD.

..... Respondent

Through: Ms.Ruchi Sindhwani, Advocate for
Official Liquidator.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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18.05.2016

In this petition under Section 433 (e) and (f) read with Sections 434 and 439 (1) (b) of the Companies Act, 1956 seeking winding up of respondent-company/Alliance Nirman Limited is, *inter alia*, predicated on the alleged non-payment of a principal amount of Rs.3,41,422/-, as well as interest at the rate of 12% *per annum*, demanded by the petitioner in the notice of winding up issued on 13th May, 2015, which remain unanswered.

On 13th May, 2015, there was no appearance on behalf of the respondent and the matter was posted for 21st August, 2015. On 21st August, 2015, the matter was adjourned to 28th January, 2016. On 28th January, 2016, the matter was posted for today granting time to the petitioner to file an affidavit of service.

Counsel states that affidavit of service has been filed on 27th April, 2016 vide diary No.126511 stating that the service has been duly effected on the respondent on 5th May, 2015 and 11th May, 2015.

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Counsel for the Official Liquidator, who happens to be present in Court, states that today itself in another matter being CP No.158/2015 filed by Mr.Anubhav Bajaj seeking winding up of the respondent, the Official Liquidator attached to this Court has been appointed as Provisional Liquidator of the company.

Under the circumstances, no further orders are required to be passed in this matter.

Counsel for the petitioner also seeks to withdraw this petition and to file an appropriate claim before the Official Liquidator as and when such claims are invited.

At the same time, it would be open to the petitioner to take recourse to Rule 101 of The Companies (Court) Rules, 1959, in case he is so advised.

It would also be open to the petitioner to intimate the Official Liquidator about the relevant particulars of the petitioner's dues from the company with a view to assisting the Official Liquidator in finalizing the Statement of Affairs of the Company; and in carrying out his duties, while making it clear that any such information to the Official Liquidator by the petitioner would not *ipso facto* amount to the institution of any claim before the Official Liquidator, which can only be filed in accordance with the relevant Rules and at the appropriate stage.

This petition alongwith the application are disposed off accordingly.

SUDERSHAN KUMAR MISRA, J.

MAY 18, 2016

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