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

+ **CO.PET. 565/2016**

SUPERTEC ELECON LLP

..... Petitioner

Through Ms. Anju Jain, Mr. Hitesh Sachar and Mr. Sidharth
Patra, Advocates.

versus

ASSOTECH LIMITED

.... Respondent

Through Mr. Atul Nanda, Sr. Advocate &
Mr. Rakesh Tikku, Sr. Advocate with
Mr. Keshav Mohan, Mr. Rishi K. Awasthi and
Mr. Piyush Choudhary, Advocates.
Mr. Mayank Goel, Advocate for O. L.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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20.07.2016

This petition seeking winding up of the respondent company is, inter alia, predicated on the alleged non-payment of Rs.56,61,424/- despite service of notice of winding up of the registered office of the company.

Counsel for the Official Liquidator, who is present in Court, points out that on 08.02.2016, the Official Liquidator attached to this Court was appointed as Provisional Liquidator in Company Petition No.357/2015 filed by Manmohan Singh Bhalla against the respondent company.

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

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 it is so advised. It would also be open to the petitioner to indicate the Official Liquidator about the relevant particulars of its dues from the company in liquidation with a view to assisting the Official Liquidator in finalizing the statement of affairs of the company and carrying out his duties; whilst making it clear that any such information to the Official Liquidator would not *ipso facto* amount to institution of claim before the Official Liquidator, and the claim can only be filed in accordance with law and applicable Rules at the appropriate stage. Further, it goes without saying that in case any application sought to be moved by the company in liquidation under Section 391 of the Companies Act, 1956 in Company Petition No.357/2015, the said application and the Scheme propounded thereunder would take into account the extant status of all the creditors of the company, including the instant petitioner and the state of affairs of the company.

This petition, along with all pending applications, stands disposed off accordingly.

SUDERSHAN KUMAR MISRA, J

JULY 20, 2016
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