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

+ CO.APP. 6/2016, CM Nos.15597/2016 & CM No.15599/2016

GOLDEN GATE INDUSTRIES LTD.

..... Appellant

Represented by: Mr.Ravi Gupta, Senior Advocate
instructed by Mr.Ashutosh Dubey,
Advocate.

versus

JVG FINANCE LTD. & ANR.

..... Respondent

Represented by: Mr.Shailendra Singh, Advocate with
Mr.V.K.Sharma, EX-CMD of R-1
and Ms.Anita Sharma, wife of
Mr.V.K.Sharma.
Mr.Rajiv Bahl, Advocate for Official
Liquidator.

AND

+ CO.APP. 7/2016, CM No.15601/2016 & CM No.15603/2016

GOLDEN GATE INDUSTRIES LTD

..... Appellant

Represented by: Mr.Ravi Gupta, Senior Advocate
instructed by Mr.Ashutosh Dubey,
Advocate.

versus

JVG FINANCE LTD & ORS.

..... Respondent

Represented by: Mr.Shailendra Singh, Advocate with
Mr.V.K.Sharma, EX-CMD of R-1
and Ms.Anita Sharma, wife of
Mr.V.K.Sharma.
Mr.Rajiv Bahl, Advocate for Official
Liquidator.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

25.10.2016

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1. Challenge in the two captioned appeals is to the order dated April 30, 2012 followed by an order dated May 15, 2014.

2. Overlooking the inordinate delay in preferring the two appeals, suffice it to note that vide first impugned order dated April 30, 2012, in a winding up petition filed by Reserve Bank of India against M/s.JVG Finance Ltd., the learned Company Judge took cognizance of a report dated February 11, 2010 submitted by the Serious Fraud Investigation Office of the Ministry of Corporate Affairs. With reference to facts, transaction and documents the report brings out that the same group of persons who had incorporated and were controlling the affairs of four companies: (i) M/s.JVG Finance Ltd., (ii) M/s.JVG Leasing Ltd., (iii) M/s.JVG Securities Ltd., and (iv) M/s.JVG Departmental Stores Ltd. had received huge amount of deposits in names of said companies and had diverted the funds to various companies either incorporated by them or in which they had controlling interest. The companies to whom funds were diverted had purchased properties. In paragraph 12 of the order dated April 30, 2012, thirteen such companies were listed, one of them being JVG Industries Ltd., now renamed as the appellant.

3. The said order directs the Official Liquidator to file petitions seeking winding up of such companies which have been indicted in the report as the recipients of the diverted funds.

4. Proceeding ahead the Official Liquidator attached to the Delhi High

Court filed C.P.No.113/2014 seeking winding up of the appellant.

5. Learned Senior Counsel for the appellant submits that findings therein are in violation of the principles of natural justice inasmuch as the appellant was not heard when order dated April 30, 2012 was passed.

6. Mr.Rajiv Bahl, learned counsel for the Official Liquidator would submit, and an argument which we accept, that the order dated April 30, 2012 in CP No.265/1998 filed by Reserve Bank of India is the tentative view taken by the Court with respect to the report concerning the thirteen companies listed in paragraph 12 of the order. That is why the learned Judge did not pass orders winding up said companies.

7. The learned Judge directs the Official Liquidator to file petitions seeking winding up of the said thirteen companies, one of which is the appellant. It would be enough for us to note that the winding up petition has since been filed which has been registered as C.P.No.113/2014. The appellant has been served and is contesting the same. The appellant would have full right to project its defence and any order which would be passed by the learned Company Judge would be uninfluenced by any observations which are made in the order dated April 30, 2012; which takes a tentative view.

8. In view of what we have observed hereinabove we find no infirmity either in the impugned order dated April 30, 2012 or in the impugned order dated May 15, 2014.

9. The two appeals and the interim applications are accordingly disposed of.

10. After the order was dictated in the Court learned Senior Counsel for
CO.APP Nos.6/2016 & 7/2016

the appellant seeks leave to withdraw CO.APP.No.7/2016 which lays a challenge to the order dated May 15, 2014.

11. Accordingly while disposing of CO.APP.No.6/2016 and the two interim applications filed therein we dismiss CO.APP.No.6/2016 as withdrawn as also the two interim applications which are filed therein.

12. No costs.


PRADEEP NANDRAJOG, J.


PRATIBHA RANI, J.

OCTOBER 25, 2016

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• CM-10551/17 U/R- 9 of compuis act.
for rectification of order dt. 05/09/16.
- connected - 7 & 8.

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

+ CO.APP. 6/2016

GOLDEN GATE INDUSTRIES LTD. Appellant

Represented by: Mr.Pankaj Garg, Mr.Milind
Garg and Mr.A.S.M.Tripathi,
Advs.

versus

JVG FINANCE LTD. & ANR. Respondents

Represented by: None

+ CO.APP. 7/2016

GOLDEN GATE INDUSTRIES LTD Appellant

Represented by: Mr.Pankaj Garg, Mr.Milind
Garg and Mr.A.S.M.Tripathi,
Advs.

versus

JVG FINANCE LTD & ORS. Respondents

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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17.03.2017

CM No.10550/2017 in CO.APP. 6/2016

CM No.10551/2017 in CO.APP. 7/2016

The applications are disposed of correcting the presence recorded in the order dated September 5, 2016. The presence would be as under :

"CO.APP. 6/2016

GOLDEN GATE INDUSTRIES LTD. Appellant

*Represented by: Mr.Ravi Gupta, Sr. Advocate
instructed by Mr.Aman Vacher,
Mr.Ashutosh Dubey,
Mr.Pankaj Garg, Mr.Milind
Garg and Mr.A.S.M.Tripathi,
Advs.*

versus

JVG FINANCE LTD. & ANR. Respondents

Represented by: None

CO.APP. 7/2016

GOLDEN GATE INDUSTRIES LTD Appellant

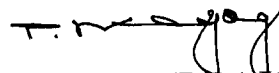
*Represented by: Mr.Ravi Gupta, Sr. Advocate
instructed by Mr.Aman Vacher,
Mr.Ashutosh Dubey,
Mr.Pankaj Garg, Mr.Milind
Garg and Mr.A.S.M.Tripathi,
Advs.*

versus

JVG FINANCE LTD & ORS.

..... Respondents

Represented by: None"



PRADEEP NANDRAJOG, J



YOGESH KHANNA, J

MARCH 17, 2017
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