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

+ **CO.PET. 425/2016**

USHA JAIN

..... Petitioner

Through: Mr.Shiv Charan Garg and Mr. Imran
Khan, Advocates.

Versus

A.N.BUILDWELL PRIVATE LIMITED

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% **17.05.2016**

CA No.1828/2016 (for exemption)

Exemption, as prayed for, is allowed, subject to all just exceptions.

This application is disposed off.

CO.PET. 425/2016

This petition under Sections 433 and 434 (1) (a) of the Companies Act, 1956, seeking winding up of respondent-company/A.N.Buildwell Private Limited is, *inter alia*, predicated on the alleged non-payment of a principal amount of Rs.55,00,000/-, as well as the assured returns in terms of a contract between the parties at the rate of Rs.49,500/- per month that has remained unpaid from 21st December, 2013 onwards.

Counsel for the Official Liquidator, who is present in Court, points out that on 8th March, 2016 in a petition being CO.PET. No.704/2014 filed

by Mr. Amarpreet Singh Oberoi and Others seeking winding up of the respondent company, 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.

The petition is disposed off accordingly.

SUDERSHAN KUMAR MISRA, J.

MAY 17, 2016

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