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

+ **CO.PET. 587/2016**

ARCHANA DEBNATH

..... Petitioner

Through **Mr. Arpit Maheshwari, Advocate.**

versus

VIGNESHWARA DEVELOPWELL PVT. LTD. & ORS.

..... Respondent

Through **Mr. Rohit Khurana, Proxy counsel for Mr. R.
Tandon, Advocate.
Mr. Kanwal Choudhary, Advocate for O. L.**

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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22.07.2016

CA Nos.2494-95/2016

Exemptions, as prayed for, are allowed, subject to all just exceptions.

These applications are disposed off.

CP No.587/2016 & CA Nos.2492, 2493, 2496/2016

This petition seeking winding up of the respondent company is, inter

alia, predicated on the alleged non-payment of Rs.73,59,596/-; as well as the assured returns in terms of a contract between the parties at the rate of Rs.91,000/- and Rs.27,500/- per month, respectively, in terms of two separate Agreements executed between the parties, which has also been remained unpaid.

Counsel for the Official Liquidator, who is present in Court, points out that in another matter, being Co.Pet. No.885/2015, titled COL. P.K. UBEROI (RETD.) & ANR. v. VIGNESHWARA DEVELOPWELL PVT. LTD & ORS.; also seeking winding up of the respondent company, the Official Liquidator attached to this Court has been appointed as the Provisional Liquidator of the company.

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

Counsel for the petitioner seeks leave to withdraw his petition, and to file an appropriate claim before the Official Liquidator as and when the same is invited. He is permitted to do so.

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 respondent company 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 petitioner 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.

The petition, along with interim applications, stands disposed off.

SUDERSHAN KUMAR MISRA, J

JULY 22, 2016
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