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

+ **CO.PET. 589/2016 & CA Nos.2526-28/2016**

AMIT RAHEJA Petitioner

Through: Ms.Neelam Rathore, Advocate.

Versus

ASSOTECH LIMITED Respondent

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

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% **22.07.2016**

This petition under Section 433 (e) and (f) read with Section 434 of the Companies Act, 1956, seeking winding up of the respondent-company/Assotech Limited is, *inter alia*, predicated on the ground of non-payment of an amount of Rs.1,34,89,148/-, which is due and payable by the respondent despite service of notice of winding up on the registered office of the respondent-company, to which no reply is stated to have been received.

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 petitioners to take recourse to Rule 101 of the Companies (Court) Rules, 1959 in case they are so

advised. It would also be open to the petitioners in all these matters to indicate the Official Liquidator about the relevant particulars of their 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 petitioners and the state of affairs of the company.

This petition, along with all pending applications, stand disposed off accordingly

SUDERSHAN KUMAR MISRA, J.

JULY 22, 2016

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