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

+ **CO.PET. 628/2013**

J. P. AVIATION SERVICES PRIVATE LIMITED Petitioner

Through **Mr. S. R. Saha and Mr. Sarad Singhania,**
Advocates.

versus

**AIR-INDIA AIR TRANSPORT SERVICES
LIMITED**

..... Respondent

Through **Mr. Mukesh Kumar, Advocate with Mr. H. Bose,**
DGM and Mr. Inderjeet Singh.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% 06.05.2016

This petition was moved by the J.P. Aviation Services Pvt. Ltd. seeking winding up of the respondent company, *inter alia*, on the ground of failure to pay a sum of Rs.1,18,90,441/- despite service of a notice of winding up on the registered office of the company.

The aforesaid amount claimed as due from the respondent to the petitioner was based on different heads; in that, one of the amounts was of Rs.24,79,683/- claimed by the petitioner which had been retained by the respondent as security under the Letter of Intent dated 18.11.2010 issued by the respondent to the petitioner. Counsel for the parties state that as regards the latter amount, the respondent has agreed to hand over the same to the petitioner subject to appropriate indemnity bond.

In this context, counsel for the respondent has handed over a cheque bearing No.529680, dated 04.05.2016, drawn on HDFC Bank, favouring the petitioner for a sum of Rs.24,79,683/- in full refund of the said security amount. An indemnity bond dated 05.05.2016 favouring the respondent on agreed terms in respect of this amount has also been handed over to counsel for the respondent by counsel for the petitioner in Court today.

Counsel for the petitioner states on instructions, that with the receipt of this amount, his client does not wish to proceed with the instant petition any further and wishes to withdraw the same. He further states, on instructions, that notwithstanding the aforesaid refund and the withdrawal of this petition; his client does not concede the stand of the respondent that nothing further is due to the petitioner from the respondent; and reserves the petitioner's right to take recourse to all other proceedings that may be available to his client as per law for recovery of any remaining claims. This position is acceptable to counsel for the respondent also.

Consequently the petition is dismissed as withdrawn.

It is made clear that by this order, no opinion is being expressed by this Court on the merits of the matter one way or the other.

SUDERSHAN KUMAR MISRA, J

MAY 06, 2016
dr