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

+ **CO.PET. 698/2016 & CA Nos.2933-34/2016**

SH. ALOK AGARWAL & ANR. Petitioners

Through **Nidhi Banga Singh, Advocate.**

versus

VIGNESHWARA DEVELOPWELL PRIVATE LIMITED

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% **10.08.2016**

This is a fresh petition seeking winding up of Vigneshwara Developwell Pvt. Ltd., inter alia, on the ground of non-payment of Rs.18,72,900/-.

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 petitioners 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 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 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 petitioners 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

AUGUST 10, 2016

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