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

+ **CO.PET. 812/2016 & CA Nos. 3322-24/2016**

UNIVERSAL PIPES PVT LTD.

..... Petitioner

Through: Mr. Arjun Bhandari and Mr. Varun
Bhandari, Advocates.

Versus

ASSOTECH LIMITED

..... Respondent

Through: Mr. Manish Bishnoi, Advocate for
Official Liquidator.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% **05.09.2016**

This petition under Sections 433 (e), 434 and 439 of the Companies Act, 1956, seeking winding up of the respondent-company/Assotech Limited is, *inter alia*, predicated on the alleged non-performance of three flats in the project of the respondent company known as 'Celeste Towers', constructed by the respondent company at Plot No.D-003-A, Sector 44, NOIDA, Uttar Pradesh. In this context, petitioner claims to have paid the entire consideration in full against specific flats that were also duly allotted by the company to the petitioner, whilst alleging that the ownership of the said flats has, in law, already passed on to the petitioner.

At this stage, counsel for the Official Liquidator, who is present in Court, points out that on 08.02.2016 in CO. PET. No.357/2015 filed by

Mr.Manmohan Singh Bhalla 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 appropriate claims before the Official Liquidator as and when such claims are invited.

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 petitioners' 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 petitioners 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.

This petition is are disposed off accordingly. All pending applications also stand disposed off.

SUDERSHAN KUMAR MISRA, J.

SEPTEMBER 05, 2016

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