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

+ **CO.PET. 1099/2016 & CO.APPL.4406-4407/2016**

SHYAM SUNDER GUPTA & ANR. Petitioners

Through: Ms. Neelam Rathore, Advocate

Versus

ASSOTECH LIMITED Respondent

Through: Mr. Rishi Kumar Awasthi, Advocate for
Ex-Directors
Mr. Mayank Goel, Advocate for Official
Liquidator

+ **CO.PET. 1069/2016 & CO.APPL.4279/2016**

DEEPAK GUPTA Petitioner

Through: Ms. Neelam Rathore, Advocate

Versus

ASSOTECH LIMITED Respondent

Through: Mr. Rishi Kumar Awasthi, Advocate for
Ex-Directors
Mr. Mayank Goel, Advocate for Official
Liquidator

+ **CO.PET. 1070/2016 & CO.APPL.4280/2016**

UMA SHANKER Petitioner

Through: Ms. Neelam Rathore, Advocate

Versus

ASSOTECH LIMITED Respondent

Through: Mr. Rishi Kumar Awasthi, Advocate for

Ex-Directors
Mr. Mayank Goel, Advocate for Official
Liquidator

+ **CO.PET. 1089/2016 & CO.APPL.4371/2016**

VIRENDRA PRAKASH GUPTA Petitioner

Through: Ms. Neelam Rathore, Advocate

Versus

ASSOTECH LIMITED Respondent

Through: Mr. Rishi Kumar Awasthi, Advocate for
Ex-Directors
Mr. Mayank Goel, Advocate for Official
Liquidator

+ **CO.PET. 1090/2016 & CO.APPL.4372/2016**

VIRENDRA PRAKASH GUPTA Petitioner

Through: Ms. Neelam Rathore, Advocate

versus

ASSOTECH LIMITED Respondent

Through: Mr. Rishi Kumar Awasthi, Advocate for
Ex-Directors
Mr. Mayank Goel, Advocate for Official
Liquidator

+ **CO.PET. 1096/2016 & CO.APPL.4394/2016**

UMA SHANKER (HUF) Petitioner

Through: Ms. Neelam Rathore, Advocate

versus

ASSOTECH LIMITED

..... Respondent

Through: Mr. Rishi Kumar Awasthi, Advocate for
Ex-Directors
Mr. Mayank Goel, Advocate for Official
Liquidator

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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08.11.2016

These petitions seeking winding up of the respondent-company/Assotech Limited, are, *inter alia*, predicated on the alleged non-payment of separate debts claimed by the petitioners as having remained outstanding and unpaid despite service of notice of winding up on the registered office of the respondent-company.

Be that as it may, 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.

However, 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 intimate 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.

There is no gainsaying that in case any application is 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.

These petitions along with all pending applications, stand disposed of accordingly.

SIDDHARTH MRIDUL, J

NOVEMBER 08, 2016

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