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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CO.PET. 661/2015 & CO. APPL. NOS. 2593 & 2594/2015**

SEW-EURODRIVE INDIA PRIVATE LIMITED Petitioner
Through: Mr. Rohan Rohatgi, Advocate

versus

TECPRO SYSTEMS LIMITED Respondent
Through Mr. Sudhir Nandrajog, Sr. Advocate
with Sparsh Jain and Mr. Ankit
Sibbal, Advocates.

+ **CO.PET. 16/2016**

ROTEX MANUFACTURERS & ENGINEERS PRIVATE LIMITED
..... Petitioner
Through: Mr. V.N. Vasudeva, Advocate

versus

TECPRO SYSTEMS LTD Respondent
Through: Mr. Sudhir Nandrajog, Sr. Advocate
with Sparsh Jain and Mr. Ankit
Sibbal, Advocates.

+ **CO.PET. 149/2016 & CO. APPL. NOS. 677 & 678/2016**

GAYATRI PROJECTS LTD. Petitioner
Through: Mr. Arun Kathpalia & Mr. Angad
Lalita, Advs.

versus

TECPRO SYSTEMTS LIMITED Respondent
Through Mr. Sudhir Nandrajog, Sr. Advocate
with Sparsh Jain and Mr. Ankit
Sibbal, Advocates.

+ CO.PET. 237/2016 & CO. APPL. NO. 1004/2016

FAITH MERCANTILE PVT. LTD

..... Petitioner

Through: Mr. Ashish Kapur, Ms. Chhavi Luthra
& Mr. Rishab Gulati, Advs.

versus

TECPRO SYSTEMS LTD.

..... Respondent

Through Mr. Sudhir Nandrajog, Sr. Advocate
with Sparsh Jain and Mr. Ankit
Sibbal, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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27.07.2016

Counsel for the respondent, who is also appearing for this respondent in some other matters before this Court, states that the order has been passed by the BIFR on 14.07.2015 in a reference under Section 15(1) of the Sick Industrial Companies Act, pointing out that the said reference has been registered by the Board in case No. 86/2015 on 09.07.2016. Further interim orders have also been passed. The same is taken on record.

Counsel for the respondent has also referred to a decision of the Supreme Court dated 15.05.2009 in Civil Appeal No. 3603/2009 titled **Managing Director, Bhoruka Textiles Ltd. vs. Kashmiri Rice Industries** and, in particular, paragraph 10 thereof, which states that, “ the receipt of a reference must be held to be the starting period for proceeding with the enquiry”.

Consequently, and as postulated by Section 21 of SICA, under such circumstances, the instant petition cannot lie. Accordingly, the instant petition is dismissed on that ground alone. However, it is clarified that on termination of the proceedings before the BIFR, the petitioner would be at liberty to file fresh petition on the same grounds as in this petition in case he is so advised. It is further clarified that the merits of the matter have not been examined one way or the other and the petitioner is also at liberty to move BIFR under Section 22(1) of SICA for seeking such relief, what may be available to him in law, in case he is so advised.

The petition, as well as all pending applications, are disposed off accordingly.

SUDERSHAN KUMAR MISRA, J.

JULY 27, 2016
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