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

+ **CO.PET. 55/2016**

MR. HARSHAD V. VORA

..... Petitioner

Through: Mr. Rajeshwar Kr. Gupta, Advocate.

versus

R K PRESS COMPONENTS PVT. LTD.

..... Respondent

Through: Mr. Varun Singh, Mr Abhitosh Pratap
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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10.01.2017

CO.APPL. 28/2017

The present application under Rule 9 of the Companies (Court) Rules, 1959,
prays as follows:-

- “ a) an order thereby allowing the petitioner to withdraw the winding up petition subject to further orders as may be passed directing the OL to de-seal the respondent's factory; AND
- b) such other & further order may also be passed as this Hon'ble Court deems fit and proper under the circumstances of the case.”

The applicant/petitioner being a creditor has instituted the accompanying winding up petition, being Co.Pet. 55/2016. By way of order dated 27.09.2016 of this court, the said Co.Pet.55/2016 was admitted and the Official Liquidator attached to this court was appointed as the Provision Liquidator and was directed to take over all the assets, books of accounts and records of the respondent-company. By way of the said order dated 27.09.2016, the Official Liquidator was also directed to publish citations in the Delhi editions of the

newspapers, namely, 'Statesman' (English) and 'Veer Arjun' (Hindi), as well as in the Delhi Gazette. The Official Liquidator was further directed to prepare a complete inventory of all the assets of the respondent-company consequent to the same being taken over by the former; and subsequent thereto seal the premises in which they are kept.

Learned counsel appearing on behalf of the Official Liquidator states that the citations have not yet been published. However, in pursuance to the said order dated 27.09.2016, the Official Liquidator has sealed the factory of the respondent-company at Shed No.331/2, Kharawadi, Chakan, Pune (Maharashtra).

Learned counsel appearing on behalf of the petitioner states the parties have settled the underlying dispute and the petitioner has received from the respondent-company a sum of Rs.15,86,179/- towards full and final settlement of the underlying dispute in the said Co.Pet. 55/2016.

It is further observed that, a sum of Rs.1,72,000/- towards expenses incurred by the Provisional Liquidator has been paid by way of demand draft in favour of the Official Liquidator attached to this Court. Mr. Mayank Goel, learned counsel appearing on behalf of the Official Liquidator acknowledges receipt thereof, subject to encashment and states that the Official Liquidator has no objection if the present application is allowed.

In view of the foregoing, the present application is allowed. The order dated 27.09.2016, admitting the said Co.Pet. 55/2016 and appointing the Official Liquidator attached to this Court as the Provisional Liquidator of the respondent-company, is recalled. The Official Liquidator is directed to de-seal the subject premises at Shed No.331/2, Kharawadi, Chakan, Pune (Maharashtra) and hand over possession thereof to the respondent-company at the expense of the latter, forthwith. Further, the Official Liquidator is also directed to inform all the requisite statutory authorities of the orders passed by this Court today.

With the above directions, the application is allowed and disposed of

accordingly.

CO.PET. 55/2016 & CO.APPL. 5158/2016

In view of the above, the learned counsel appearing on behalf of the petitioner seeks leave to withdraw this petition.

The petition is dismissed as withdrawn and disposed of accordingly.

All pending applications also stand disposed of.

The dates already fixed in the Co.Pet. 55/2016 and Co.Appl. 5158/2016, i.e., 31.01.2017 and 08.03.2017 respectively, stand cancelled.

A copy of this order be given *dasti* under signature of Court Master to counsel for the parties.

JANUARY 10, 2017

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SIDDHARTH MRIDUL, J