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

+ **CO.PET. 103/2015**

SHRI SNEHKANT SONI & ANR.

..... Petitioners

Through: Mr. Naresh Thanai and Mr. J.P.Singh,
Advocates.

versus

M/S PRAVEER CONSTRUCTIONS PVT. LTD.

..... Respondent

Through: Mr. S.S.Ray, Ms. Rakhi Ray,
Ms. Archana Pathak Dave and
Mr. Vaibhav Gulia, Advocates.
Mr. Sudhir Khurana, MD of the
respondent-company.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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30.01.2017

CO.APPL. 5146/2016

The present application has been instituted on behalf of the company in provisional liquidation praying as follows:-

- “(a) Take the Deed of Settlement dated 14.12.2016 on record and Pass appropriate orders recalling order dated 19.07.2016 appointing Provisional Liquidator passed by this Hon’ble Court in Company Petition No. 103/2015;
- (b) any other or further order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

Counsel appearing on behalf of the petitioner as well as counsel appearing on behalf of the respondent-company invite my attention to a deed of settlement dated 14.12.2016 annexed as Annexure ‘A-2’ to the present application to urge that the underlying dispute raised in the accompanying winding up petition has been amicably settled by and between the parties, on the terms and conditions set out therein. It is further pointed out that pursuant thereto the following post dated cheques have been handed over to the petitioner:-

S. NO.	CHEQUE NO.	AMOUNT
1.	969986 dated 14.12.2016	Rs.1,25,000/-
2.	969987 dated 14.01.2017	Rs.1,75,000/-
3.	969988 dated 14.02.2017	Rs.1,50,000/-
4.	969989 dated 14.04.2017	Rs.1,50,000/-
5.	969990 dated 14.06.2017	Rs.1,50,000/-
6.	969991 dated 14.08.2017	Rs.1,50,000/-
7.	969992 dated 14.09.2017	Rs.1,50,000/-
8.	969993 dated 14.09.2017	Rs.46,00,000/-
9.	969994 dated 14.11.2017	Rs.47,38,000/-
All Cheques are drawn on SBI, Janpath		

Mr. Thanai, learned counsel appearing on behalf of the petitioner states that the amounts represented by the said cheque No.969986 dated 14.12.2016 and cheque No. 969987 dated 14.01.2017, as mentioned above, have already been received by the petitioner.

Mr. Sudhir Khurana, the Managing Director of the respondent-company, undertakes before this court that the entire payment as represented by the said remaining post dated cheques, elaborated hereinabove, shall be duly paid on the dates nominated for payment, without demur. The undertaking is accepted.

Mr. Bahl, learned counsel appearing on behalf of the Official Liquidator, states that pursuant to the order dated 19.07.2016 of this court, admitting the present petition and appointing the Official Liquidator attached to this court as the Provisional Liquidator, the possession of the registered office of the respondent-company at 413, 4th Floor, Naurang House Building, Kasturba Gandhi Marg, New Delhi- 110001, along with all the books of accounts and records found therein, was taken over. Mr. Bahl, learned counsel appearing on behalf of the Official Liquidator, further states that the expenditure in the sum

of Rs.25,000/- incurred by the Official Liquidator in pursuance to its appointment as Provisional Liquidator for the respondent-company has since been reimbursed by the respondent-company. In view thereof, the Official Liquidator does not oppose the relief prayed for in the present application.

In view of the foregoing, since the underlying dispute has been settled, as recorded in the said deed of settlement dated 14.12.2016; and the parties have acted in pursuance thereto; and the expenditure incurred by the Official Liquidator has been reimbursed, it is considered just, necessary and expedient to allow the present application. Order dated 19.07.2016, admitting the present petition and appointing the Official Liquidator attached to this court as the Provisional Liquidator, is hereby recalled and the said deed of settlement dated 14.12.2016 is taken on record. The Official Liquidator is directed to de-seal the premises, i.e., 413, 4th Floor, Naurang House Building, Kasturba Gandhi Marg, New Delhi- 110001 and hand the same over, along with the records lying therein, an inventory of which has been carried out by the Official Liquidator, to the respondent-company, forthwith.

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In view of the above, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition in terms of the aforesaid settlement.

Leave granted. The petition is dismissed as withdrawn and disposed of accordingly.

A copy of this order be given *dasti* under signature of Court Master to counsel for the parties. All pending applications also stand disposed of.

SIDDHARTH MRIDUL, J

JANUARY 30, 2017/mk