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

+ **CO.PET. 126/2015**

ALLCARGO LOGISTICS LTD.

..... Petitioner

Through: Ms. Nayantara, Advocate with Mr.
Shashank Dixit, Advocate

versus

**SEAHAWK CONTAINER LINE PVT. LTD.
& ORS.**

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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04.01.2017

CO.APP.,9/2017 (Restoration)

The present application filed on behalf of the applicant/petitioner seeks restoration of the accompanying company petition, that came to be dismissed in default by this Court, by way of order dated 03.11.2016, on account of the circumstance that there was no appearance on behalf of the petitioner.

Since the default in appearance was on account of inadvertence of counsel, the consequences thereof ought not to be visited upon the petitioner.

In the circumstances, the application is allowed. The order dated 03.11.2016 is hereby recalled and set aside. The petition is restored to its original number.

The application is disposed of accordingly.

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A perusal of the record shows that the respondent-company has not been served in the present winding up petition so far.

In view of the foregoing and in terms of the notification Regd. No.D.L.-33004/99 dated 07.12.2016, issued by the Ministry of Corporate Affairs and in

particular, Clause 5 thereof, the present winding up petition under Sections 433(e), 434 and 439 of the Companies Act, 1956, stands transferred to the Principal Bench, National Company Law Tribunal, New Delhi (hereinafter referred to as 'NCLT').

In the first instance, list this matter before the Principal Bench, NCLT on 16.02.2017 for further proceedings, in accordance with law.

The Registry is directed to transmit the record of the present petition to the Principal Bench, NCLT, forthwith.

SIDDHARTH MRIDUL, J

JANUARY 04, 2017

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