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

+ **CO.PET. 1093/2016**

DEEPTI MATHUR

..... Petitioner

Through: Mr. Yogesh Kumar Sharma, Advocate

versus

IMPERIA STRUCTURE LTD & ORS.

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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09.01.2017

CO.APPL.30/2017 (Restoration)

The present application under Section 151 of the Code of Civil Procedure, 1908, filed on behalf of the applicant/petitioner prays as follows:-

- “(a) Recall/review the order dated 14.12.2016 in favour of petitioners and restore the company petition in same number as earlier, in the interest of justice and allows to pursue the present petition by the petitioners.
- (b) Pass any other or further order which this Hon'ble Court deems fit, proper and expedite in favour of applicant in the interest of justice.”

Notice is yet to be issued in the accompanying winding up petition.

Learned counsel appearing on behalf of the applicant/petitioner states that he was in some personal difficulty on the last date of hearing hence he could not appear on the said date, when the accompanying petition was dismissed in default.

In view of the foregoing and for the reasons stated in the application, which are duly supported by an affidavit, the same is allowed. The order dated 14.12.2016 is set aside and recalled. The petition is restored to its original number.

The application is disposed of accordingly.

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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 Section 439(1)(b) read with Sections 433(e)(f) and 434 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 27.02.2017 for further proceedings, in accordance with law.

The Registry is directed to transmit the record of the present petition to the Principal Bench, NCLT, for further proceedings, in accordance with law.

SIDDHARTH MRIDUL, J

JANUARY 09, 2017

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