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

+ CO.PET. 623/2015 & Co. Appl. Nos.2472-2473/2015

SURAJ BHAN DEVENDER KUMAR Petitioner

Through: Mr. Mukesh Sukhija, Advocate.

versus

RED CHILLY FOODS PRIVATE LIMITED Respondent

Through: Mr. Rajiv Bahl, Advocate for OL.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **06.03.2017**

Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present company petition in terms of the amicable settlement arrived at between the parties, of the underlying dispute.

Mr. Bahl, learned counsel for the OL has stated that the petitioner has not paid the expenses of Rs.75,000/- towards publication.

Subject to the petitioner depositing a sum of Rs.75,000/- with the Official Liquidator by way of Pay Order/Demand Draft towards the expenses incurred by the latter in the present petition, within four weeks from today, learned counsel appearing on behalf of the petitioner is permitted to withdraw the present petition.

In view of the foregoing, the petition is dismissed as withdrawn and disposed of accordingly.

OLR No.70/2017

The present OLR prays as follows :-

“i) The report of the Official Liquidator may kindly be taken on record;

ii) The Ex- Directors of the Co.(In Provo Liqn.) may be directed to appear before the Official Liquidator on the date and time as may be fixed by this Hon'ble Court for

recording statement under Rule 130 of the Companies (Court) Rules, 1959.

iii) The Ex- Directors of the Co.(In Prov.Liqn.) may also be directed to hand over complete statutory records and books of accounts of the Co.(In Provo Liqn.) within the time as may be prescribed by this Hon'ble Court.”

The Official Liquidator by way of present OLR seeks to apprise this Court that in compliance to the order of this Court dated 27.09.2016, a team of the officials of the Official Liquidator was deputed to take over possession of the registered office of the Company (in provisional liquidation), situated at E-7, Defence Colony, New Delhi. However, on visiting the said premises at Defence Colony, New Delhi, it is stated to have been discovered that the registered office of the Company (in provisional liquidation) was not functioning therefrom and therefore, the possession could not be taken. It is further stated that a team of the officials of the Official Liquidator also visited the branch office of the Company (in provisional liquidation) at M-9, M Block Market, Greater Kailash, New Delhi, as reflected in the records of the Registrar of Companies, to discover that there was no office of the Company (in provisional liquidation) operating from there.

It is further stated by way of present report that, the Petitioner in non-compliance of the order of this Court dated 27.09.2016, has not deposited the amount in the sum of Rs.75,000/- for advertisement of the Petition in the newspapers, despite reminder by way of letter dated 13.12.2016 being also issued by the Official Liquidator in this behalf.

It is further stated that despite statutory notices being issued by the Official Liquidator to the Ex-Directors on multiple occasions, under the relevant provisions of the law, the latter have not appeared before the former for recording their statements. The last notice is stated to have

been sent to the Ex-Directors, for recording their statements, under Rule 130 of the Companies (Court) Rules, 1959, on 28.02.2017. It is further stated that the Ex-Directors have not filed the Statement of Affairs within the stipulated time. Therefore, it is stated that the Official Liquidator is not in a position to ascertain the exact assets and liabilities of the Company (in provisional liquidation).

Be that as it may, in view of the circumstance that the matter has been settled between the parties, and the petitioner has undertaken to pay a sum of Rs.75,000/- by way of Pay Order/Demand Draft to the OL, the compliance report is taken on record and disposed of accordingly.

SIDDHARTH MRIDUL, J.

MARCH 06, 2017
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