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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 3092/2015

AMITASHA ENTERPRISES PVT LTD Plaintiff
Through: Mr. Harshbir Singh Kohli, Advocate

versus

ARAVALI INFRAPOWER LTD Defendant
Through: Mr. Sanjay Kothiyal, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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16.08.2017

Matter has been listed today as 14th August, 2017 was declared holiday on account of Janamashtami.

I.A. 13459/2016

Present application has been filed under Section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985 as well as under Order VII Rule 11 CPC.

Admittedly, the Sick Industrial Companies (Special Provisions) Act, 1985 has been repealed.

Consequently, the present proceedings are not liable to be stayed under Section 22 of the Sick Industrial Companies (Special Provisions) Act.

Order VII Rule 11 CPC has been invoked by the defendant on the ground that the plaintiff has already filed a petition for winding up before the Company Court.

However, this Court is of the view that winding up and recovery proceedings are distinct and separate entities. A creditor is entitled to invoke both the said proceedings.

Consequently, present application is dismissed.

CS(OS) 3092/2015 & I.As. 3580/2016, 3880-3881/2016 AND 5593/2016

List for hearing the remaining/pending applications on 05th September, 2017.

MANMOHAN, J

AUGUST 16, 2017

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