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

+ **CO.APP. 14/2017**

SMC GLOBAL SECURITIES LTD THROUGH ITS AR..Appellant

Through Mr. Suman Kumar, AR.

versus

GIRIRAJ RATAN DAGA & ORS.

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

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28.11.2017

It is apparent that the respondent company is unable to pay its debt as is clear from the assertions made by the appellant, who is also a creditor. It is always open to the appellant to point out alleged acts of misfeasance and malfeasance by the Directors before the Company Court by way of an application. The appellant is also entitled to, if required and necessary, obtain permission/approval of the Company Court for continuation of proceedings.

In view of the aforesaid observations, the appellant seeks permission to withdraw the present appeal and states that he would raise contentions and issues before the Company Court. The appeal is accordingly dismissed as withdrawn.

SANJIV KHANNA, J.

NOVEMBER 28, 2017/NA

PRATHIBA M. SINGH, J.