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

+ **CO.PET. 165/2016**

SEAWAYS SHIPPING AND LOGISTICS LIMITED Petitioner

Through: Ms. Kirtika Mukesh Bura, Advocate.

versus

CARGO PLANNERS LIMITED Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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06.01.2017

CO.APPL. 19/2017 (Restoration)

The present application on behalf of the petitioner seeks restoration of the winding up petition which came to be dismissed in default by this court by way of order dated 02.11.2016 on account of the circumstance that neither there was any appearance on behalf of the petitioner nor notices for service of respondent-company had been submitted for endorsement by the petitioner.

The present application shows sufficient ground for restoration since it is accompanied by an affidavit of counsel for the petitioner to the effect that it was owing to their default that there was no appearance on behalf of the petitioner.

In view of the foregoing, the present application is allowed. The order dated 02.11.2016 is set aside. 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 Sections 433(1)(e), 434(1)(a) & 439 of the

Companies Act, 1956, stands transferred to the Principal Bench, National Company Law Tribunal, New Delhi (hereinafter referred to as the 'NCLT').

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

Counsel for the petitioner shall appear before the NCLT on 21.02.2017.

SIDDHARTH MRIDUL, J

JANUARY 06, 2017

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