

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 7 OF 2018

IN

COMPANY PETITION NO. 16 OF 2016

DELHI INTERNATIONAL AIRPORT LTD.
(EARLIER KNOWN AS DELHI
INTERNATIONAL AIRPORT PVT. LTD.),,

... Applicant

Versus

SILVER RESORT HOTEL INDIA PVT.
LTD.,

... Respondent

Shri Abhijit Pramod Gosavi, Advocate for the applicant.
Shri Jatin Ramaiya, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 5th July 2018

P.C.

This is an application by the applicant/ petitioner for withdrawal of the Company Petition No.16/2016. The applicant had sought for winding up order of the respondent M/s. Silver Resort Hotel India Pvt. Ltd. This Court, by an order dated 08/03/2017, had admitted the Company Petition. It appears that Company Appeal No.3/2017, challenging the order dated 08/03/2017 was filed by the Company. While admitting the appeal, the Division Bench of this Court has stayed the order dated 08/03/2017, by which the Company Petition was admitted.

2. The learned Counsel for the parties now point out that there were Arbitration Proceedings between the applicant and the

respondent Company and the Arbitrator, by his Award, has in fact found that the petitioner is liable to pay certain amount to the respondent Company and that Award has been confirmed by the Delhi High Court in an application under Section 34 of the Arbitration and Conciliation Act. It is submitted that in pursuance of the order of admission of the Company Petition, the matter has not been advertised and, therefore, the Company Petition can be allowed to be withdrawn. The learned Counsel points out that Rule 100 of the Companies (Court) Rules, 1959, in order to submit that the petition for winding up can be withdrawn with the leave of the Court.

3. I have carefully considered the circumstances and the submissions made.

4. It is apparent that in pursuance of the order of admission, the matter was not advertised in as much as the order of admission of the Company Petition has been stayed by the Division Bench. In that view of the matter, I find that the Company Petition can be allowed to be withdrawn as prayed. In such circumstances, the application is allowed in terms of prayer clause (a) and is disposed of accordingly.

C. V. BHADANG, J.

SMA