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

+ **CO.PET. 347/2015**

MARY JACINTHA SUGANYA DIAZ Petitioner
Through Mr.Sujeet Gupta and Mr.Abhnash
Kumar Jha, Advs

versus

BHARTI RETAIL LIMITED Respondent
Through Mr.Aditya Nayyar, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **28.11.2018**

This winding up petition is filed under section 433(e), 434 and 439 of the Companies Act, 1956 seeking winding up of the respondent company. The case of the petitioner is that the petitioner was to provide its professional services for obtaining/renewal of all the requisite licenses/permission from the government required for running and operating the retail stores under the name of EASY DAY. Several invoices were raised. A sum of Rs.3,77,297/- was due and payable by the respondent company. Reliance is also placed on Form 16A issued by the respondent company for Income Tax. A notice was issued on 18.2.2015.

Learned counsel for the parties submit that the parties are before the Mediation Centre. However, though the respondents have given their willingness to pay the principal amount there is some dispute regarding the interest part which is not being settled.

Keeping in view the facts and circumstances of the case, in my opinion, it would be in the interest of justice that the respondents also pays

to the petitioner apart from the principal amount an interest @ 8% per annum Simple Interest w.e.f. from the date of filing of the present winding up petition till receipt of payment by the petitioners. Payment shall be made within eight weeks from today.

Petition stands disposed of.

It is made clear that in case payment is not made within eight weeks the respondent shall be liable to pay interest @14% per annum from the date of filing of the petition till the date of recovery. Liberty is also granted to the petitioner to seek revival of the present winding up petition in case the respondents fail to comply with the order of this court.

JAYANT NATH, J

NOVEMBER 28, 2018

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