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

+ **CO.PET. 683/2016**

ASIA PRAGATI CAPFIL PVT LTD

..... Petitioner

Through Mr. J.S. Rawat, Adv. with Mr. Inder
Shekhar, Adv.

versus

SNG DEVELOPERS LIMITED & ORS.

..... Respondents

Through Mr. Sandeep Sethi, Sr. Adv. with
Mr. Pradeep Dhingra, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **07.12.2018**

CA No. 1469/2017

This application is filed seeking to set aside the order dated 08.08.2017 and restore the petition to its original number.

This court on 08.08.2017 had dismissed the petition in default for non-appearance noting that on the last date of hearing none had appeared for the petitioner.

It is prayed by the learned counsel for the applicant that on 08.08.2017, he held up in another court and hence, could not appear.

For the reasons stated in the application, the same is allowed.

The petition is restored to its original position.

Application stands disposed of.

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Learned senior counsel for the respondent has pointed out that the petitioner is needlessly delaying the matter and has filed the present petition

for winding up petition against the respondent claiming the respondent to be an alleged debtor. Against two of the guarantors, it has also filed winding up petitions here. Against one of the two guarantors, it also filed a petition under Section 7 of the Insolvency and the Bankruptcy Code before the NCLT where the matter is pending. Hence, he submits that the petitioner is needlessly pursuing multiple forums for the same relief.

Keeping in view Section 434 of the Companies Act, 2013 as amended by The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2018, in my opinion, it is a fit case to be transferred to the NCLT.

Accordingly, this matter is transferred to the NCLT. The Registry may take steps to have the records transferred.

It would be appropriate, if the NCLT may consider hearing this matter along with (IB) 983 (PB)2018 pending before the Special Bench, NCLT titled as “Asia Pragati Capfin Pvt. Ltd. vs. S.N. Jee Buildwell Pvt. Ltd. which is listed on 17.12.2018.

The matter stands transferred to the NCLT.

JAYANT NATH, J

DECEMBER 07, 2018

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