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

+ **CS (COMM) 634/2016 & I.A. 20972/2014**

CENTURY CRANE ENGINEERS (P) LTD Plaintiff

Through: Mr. P.R. Sikka, Advocate (M-9811054562).

versus

TECPRO SYSTEMS LTD Defendant

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **02.08.2018**

On the last date, it was recorded by this Court that vide order dated 7th August, 2017, the NCLT has passed a moratorium in terms of Section 14 of the Insolvency and Bankruptcy Code, 2016. As per the said moratorium, all pending suits were stated to have been stayed. The counsel for the Plaintiff, who was directed to verify the correct facts, submits that he has been unable to verify them.

Upon further queries, Mr. P. R. Sikka, Advocate for Plaintiff, now submits that his client has made a claim before the Insolvency Resolution Professional (*hereinafter*, 'IRP'). It is shocking and surprising that since October, 2017, two hearings have passed by and this fact has not been disclosed to the Court. The Plaintiff ought to have informed the Court that it has already lodged its claim with the IRP. The Plaintiff is permitted to pursue its claims under the IBC 2016, in accordance with law.

The present suit is no longer maintainable and is dismissed. All pending I.As. are also dismissed.

The non-disclosure by the Plaintiff of the factum of filing of claims

with the IRP, is a serious matter, especially because even today, the learned counsel did not mention the same. It was only after queries were put to the Ld. Counsel as to the status of the matter before the NCLT, that the Ld. Counsel discloses that the Plaintiff has filed its claims before the IRP in October, 2017 itself. The Plaintiff is thus directed to deposit costs of Rs.50,000/- with the Delhi High Court Advocates' Welfare Trust within ten days.

List for compliance for deposit of costs on 29th August, 2018.

PRATHIBA M. SINGH, J.

AUGUST 02, 2018

Rahul