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

+ **RFA 738/2016 & CM APPL.1302/2017**

SANJEEV AGENCY PVT LTD Appellant
Through: Mr.Himanshu Rajore, Adv.

versus

SHREE SHYAM PULP & BOARD MILLS LTD..... Respondent
Through: Mr.Akshay Goel, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.05.2018**

Learned counsel for the Respondent submits that the company has gone into liquidation and a Provisional Liquidator has also been appointed. He has pointed out the order dated 15th May, 2018 passed in a Company petition No.81/2014 wherein the Ld.Single Judge of this Court has recorded as under:-

“CA 597/2018

This application is filed by the petitioner seeking revival of the order dated 7.8.2015. Advance copy of this application has been served on learned counsel for the respondent. However, none has chosen to appear despite receipt of advance copy.

Learned senior counsel for the petitioner relies upon the order of this court dated 16.2.2018 to submit that the order appointing the Official Liquidator as Provisional Liquidator dated 7.8.2015 was kept in abeyance as the parties agreed on certain terms and conditions whereby the respondent was to pay the petitioner the dues in a phased manner. It also directed that if the amounts are not paid within the timeline given the order dated 7.8.2015 appointing the OL as the Provisional Liquidator shall stand automatically revived.

I may also note that on 5.3.2018 learned senior counsel for the

respondent had handed over a cheque dated 15.3.2018 for a sum of Rs.2.10 crores which was issued by Ozogreen Infracore Pvt. Ltd. and an undertaking was filed on behalf of the said Ozogreen Infracore Private Limited stating that the cheque when presented would be honoured. The cheque was dishonoured on 17.3.2018. In the order dated 5.3.2018 this court had noted the plea of Mr. Jaspal Walia, Director of m/s. Ozogreen Infracore Pvt. Ltd. that the payment would be made within 10 days.

Learned senior counsel for the petitioner on instructions states that the said payment has not been made so far.

In terms of the settlement between the parties dated 16.2.2018 the order of this court appointing the OL as the Provisional Liquidator dated 7.8.2015 stands revived. The OL will take all consequential steps accordingly.

Issue notice of this application to the respondents through counsel returnable on 9.7.2018.

A copy of this order be given dasti to learned counsel for the petitioner under signatures of the Court Master”.

Thus, the appointment of the Provisional Liquidator for the Respondent company has been revived. In this view of the matter, the Appellant is permitted to approach the Company Court for appropriate orders.

The present appeal and application are disposed of with liberty as granted.

PRATHIBA M. SINGH, J.

MAY 23, 2018
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