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

+ **CS(COMM) 1333/2016 & I.A.No.14993/2017**

THOMSON PRESS (I) LTD

..... Plaintiff

Through Mr.Chander Shekhar Chaudhary with
Mr.Purshotam Singh, Advocates.

versus

MOSER BAER INDIA LTD

..... Defendant

Through Ms.Renu Tyagi, AR of the defendant.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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13.11.2018

Ms.Renu Tyagi, A.R. of the defendant-company has placed on record the order dated 20th September, 2018 passed by the National Company Law Tribunal, whereby it has directed the appointment of a Liquidator in respect of the defendant-company. The operative portion of the said order reads as under:-

“22. In the result the application is allowed by ordering liquidation of the corporate debtor, namely M/s Moser Baer India Limited in the manner laid down in the Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016 along with following directions:

- a. Mr.Anil Kohli resolution professional holding registration no.IBBI-IPA-001/IP-P00112/2017-18/10219, is appointed as Liquidator in terms of Section 34(1) of the Code;*
- b. Mr.Anil Kohli is directed to issue Public Announcement stating that the corporate debtor is in liquidation, in terms of Regulation 12 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016;*
- c. The Registry is directed to communicate this Order to the*

Registrar of Companies, NCT of Delhi & Haryana and to the Insolvency and Bankruptcy Board of India;

- d. The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and that a fresh Moratorium under Section 33(5) of the Insolvency and Bankruptcy Code shall commence;*
- e. The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016 and in accordance with the relevant regulations.*
- f. The Liquidator shall submit a Preliminary Report to the Adjudicating Authority within seventy-five days from the liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016.*
- g. Copy of this order be sent to the financial creditors, corporate debtor and the Liquidator for taking necessary steps.*
- h. C.A.756 (PB)/2018 filed in the Company Petition IB-378 (PB)/2017 is disposed of in the aforesaid terms.”*

In view of the appointment of the Liquidator, this Court is of the view that the present suit is no longer maintainable.

The plaintiff is given liberty to pursue its claim in the appropriate forum. Any original document filed by the plaintiff be returned to the counsel for the plaintiff after retaining a certified copy of the same.

The plaintiff is permitted to recover the court fee deposited in this Court as part of its claim.

The present suit and pending application are disposed of in the aforesaid terms.

MANMOHAN, J

NOVEMBER 13, 2018/KA