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

+ O.M.P.(EFA)(COMM.) 1/2016 & I.A. No.1211/2016

BAKER HUGHES SINGAPORE PTE. .... Decree-holder

Through: Mr. Moazzam Khan with Ms. Shweta  
Sahu and Mr. Brijesh Kumar, Advs.

versus

SVOGL OIL AND GAS ENERGY LIMITED ..... Judgment-debtor

Through: Mr. Ashish Virmani with Mr.  
Sarvpreet Singh and Mr. Priyank  
Mangal, Advs.

+ OMP (ENF.) (COMM.) 12/2016 & I.A. No.1212/2016

BAKER HUGHES SINGAPORE PTE. .... Decree-holder

Through: Mr. Moazzam Khan with Ms. Shweta  
Sahu and Mr. Brijesh Kumar, Advs.

versus

SVOGL OIL AND GAS ENERGY LIMITED ..... Judgment-debtor

Through: Mr. Ashish Virmani with Mr.  
Sarvpreet Singh and Mr. Priyank  
Mangal, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **31.08.2018**

1. It appears that the decree-holder had approached the company court for permission under Section 446 of the Companies Act, 1956 to prosecute the captioned petition. The company court vide order dated 19.7.2018 has, *inter alia*, observed as follows:

*“14. At this stage, the learned counsel for the applicant submits that this court may hear the execution petition filed by the applicant to enforce the award or this court may permit the court hearing the execution petition to continue to hear the same. He relies upon the judgment of*

*the Supreme Court in the case of **Harihar Nath & Ors. v. State Bank of India & Ors.**, (2006) 4 SCC 457 stating that the status of the applicant is that an unsecured creditor will have to stand along with other unsecured creditors to recover his dues.*

*15. It will be for the OL/this court to take steps under section 528 of the Companies Act regarding the claim of the applicant arising from the award. The judgment relied upon by the applicant in the case of **Harihar Nath & Ors. v. State Bank of India & Ors.**(supra), would not have any application to the facts of this case. In that case, the observations have been made regarding the suit/proceedings to be tried by an appropriate court. In this case what the applicant is seeking is execution, namely attachment of the assets of the respondent company and sale of the same to satisfy the decree in favour of the applicant. It would be for the OL to deal with the claim of the applicant, as per law...”*

2. In these circumstances, counsel for the decree-holder says that the decree-holder will approach the Official Liquidator attached to this Court qua its claims.

2.1 Liberty in that behalf is granted.

3. Accordingly, the captioned petitions are disposed of.

4. Consequently, interlocutory applications shall stand closed.

**RAJIV SHAKDHER, J**

**AUGUST 31, 2018**

pmc