

jsn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMPANY PETITION NO.471 OF 2016
WITH
COMPANY PETITION NO.472 OF 2016**

Bhoir Offshore Pvt. Ltd. ... Petitioner
V/s.
KSS Petron Pvt. Ltd. ... Respondent

Sayyam Maheshwari i/b Raval – Shah & co. for the Petitioner in
Company Petition.
Mr. Arsh Misra, i/b M.V. Kini & Co. for the Respondent.

CORAM: R. I. CHAGLA, J.
DATE: 16TH OCTOBER, 2019

PC:-

1. These Company Petitions have been filed for winding up of the Respondent Company and it appears that the Respondent Company has filed proceedings under Section 10 of the Insolvency and Bankruptcy Code, 2016 before the N.C.L.T. and Resolution Professional has been appointed in respect of the Respondent Company.
2. Considering that a Resolution Professional has been appointed in respect of the Respondent company and that the provision of the Insolvency and Bankruptcy Code, 2016 will apply, nothing survives in the Company Petitions.

3. It is also to be noted that the Petitioner Company has filed their claim before the N.C.L.T. and that claim is now the subject matter of the proceedings before the N.C.L.T. under the Insolvency and Bankruptcy Code, 2016. Accordingly, the Company Petitions are dismissed with liberty to the parties to proceed under the Insolvency and Bankruptcy Code, 2016 before the N.C.L.T.

(R I. CHAGLA, J.)