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

**COMPANY PETITION NO.1134 OF 2015
WITH
COMPANY APPLICATION NO.1066 OF 2015**

Sanghvi Movers Ltd. ... Petitioner
Vs.
M/s. K.S.S. 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. This Company Petition has 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 the Resolution Professional has been appointed in respect of the Respondent Company.
2. Considering that, 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 Petition.

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 Petition alongwith Company Application are dismissed with liberty to the parties to proceed under the the Insolvency and Bankruptcy Code, 2016 before the N.C.L.T.

(R I. CHAGLA, J.)