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

+ **W.P.(C) 3619/2019**

AMIRA PURE FOOD S PRIVATE LIMITED..... Petitioner

Through: Mr. Ashish Makhija with Mr. Anurag
Bhatt, Advs.

Versus

CANARA BANK AND ANR. Respondent

Through: Mr. Arjun Nihal Singh
Ms. Hina Bhargava, Local
Commissioner/ Receiver
Mr. Vijay Kumar, Adv. for Canara
Bank.

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER
11.04.2019**

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Though notice could not issue in view of paucity of time, the respondents are represented. Mr. Vijay Kumar appears on behalf of respondent No.1 and the receiver Shri Arjun Nihal Singh is also present.

Mr. Vijay Kumar submits that the respondent bank had given its no objection to the application moved by the Interim Resolution Professional – who stands appointed as the Resolution Professional, take over the asset of the borrower company, including both movable and immovable in terms of the Insolvency and Bankruptcy Code 2016.

Learned counsel for the petitioner submits that the goods are of perishable nature i.e. grains etc. and their disposal at an early date is of utmost importance to salvage their value. He further submits that the Resolution Professional has to take steps within 180 days and out of that period of 120 days is over. He is not able to proceed in view of the appointment of the Receiver by the learned DRAT. The keys of the premises, which is lying sealed, have been delivered to respondent bank by the two receivers. The premises are being guarded by the guards deployed by consortium of banks led by Canara Bank. The petitioner's application moved, as early as on 24.12.2018, for the purpose of de-sealing of the properties and delivery of the same to the Resolution Professional is still pending. The early hearing application moved by the Resolution Professional has also not been entertained.

In view of the aforesaid circumstances, we direct the learned DRAT to hear and dispose of the applications of the Resolution Professional within the next one week. In the interim, we permit the Resolution Professional to inspect the premises and the goods lying therein, and to make an inventory of the same. He is also permitted to inspect the records. The said inspection shall be carried out in the presence of the officers of the Canara Bank as well as the receivers appointed by the learned DRAT. The receivers shall de-seal the premises so that the Resolution Professional is able to enter the same and carry out the aforesaid activities.

In case, the DRAT does not dispose of the applications preferred by the Resolution Professional within one week, we grant liberty to Resolution Professional to move an application in the present petition.

The petition stands disposed of in the aforesaid terms.

Order dasti under the signatures of the Court Master.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 11, 2019

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