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

+ **ARB.P. 264/2019**

IFCI FACTORS LIMITED

..... Petitioner

Through: Mr.Anupam Srivastava, Mr.Dhairya Gupta, Ms.Divya Joshi, Advs. with Mr.Lalit Narayan Joshi, AR for the Plaintiff

versus

NET 4 COMMUNICATIONS LIMITED & ORS. Respondents

Through: Mr.Sougat Sinha, Adv. for R-1
Mr.Prashant Mehta and Mr. Harsh Kumar, Advs. for R-4

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.08.2019

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996.

2. On July 25, 2019 this Court had passed the following order:

“1. Learned counsel for Official Liquidator states that Respondent No. 1 is a company [M/s Net 4 Communications Limited] which has been directed to be wound up vide order dated 6th August 2015 passed by the Calcutta High Court. A status report has been handed over across the board which shows that the Official Liquidator has taken possession of the assets of the company. It also indicates that vide order dated 10th August 2018, the entire assets of the registered office of the company were sold. Learned counsel for the Petitioner submits that he has filed an application before the Calcutta High Court seeking its permission under Section 446 of the Companies Act to continue with the present petition and the same is presently pending.

2. *Further, Learned counsel for Respondent No. 3 states that an IRP has been appointed in respect of the said respondent and moratorium under Section 14 has triggered. He further submits that service on Respondent No. 3, be effected through the IRP. Respondent No. 2 is unserved. Issue fresh notice to Respondent No.2 and 3 (through IRP). Service also be effected through dasti.*

3. *3. Re-list on 29th August 2019.”*

3. From the above, it is clear that the petitioner has filed an application before Calcutta High Court under Section 446 of the Companies’ Act seeking permission to continue with the present petition as the Respondent No. 1 / Company is in liquidation.

4. Mr. Anupam Srivastava, learned counsel for the petitioner, states that the application is still pending.

5. If that be so, I deem it appropriate to close these proceedings by giving liberty to the petitioner if in the eventuality, the petitioner gets the permission, to file an application, to revive this petition.

V. KAMESWAR RAO, J

AUGUST 29, 2019/bh