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

+ **CO.PET. 307/2014**

M.R B.VASU

..... Petitioner

Through **Ms.Haripriya Padmanabhan and
Ms.Gayatri Verma, Advs.**

versus

M/S DHIR INTERNATIONAL PVT.LTD. Respondent

Through **None.**

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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11.01.2019

CA No.1470/2018

This application is filed by the petitioner seeking substitution of the petitioner with the applicant.

It is pleaded that pursuant to the execution of a Business Transfer Agreement dated 28.03.2018, the respondent has become debtor in the books of the applicant company inasmuch as the applicant has taken over petitioner's sole proprietorship business. Accordingly, the application is allowed. The applicant, i.e., M/s Annapoorani Textiles Pvt. Ltd. will now be the petitioner.

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This court had heard the arguments on 16.08.2018 and had noted that the respondent had in a handwriting note confirmed the credit balance of Rs.86,55,110/- where the company seal and signatures of the authorised signatory have been affixed. This document had been denied by the respondent. Accordingly, a direction was passed to the respondent to place

on record its audited balance sheet ending for the financial years 31.03.2011 to 31.03.2013 showing the list of creditors.

Despite final opportunity given on 11.12.2018, needful has not been done.

Today, none has appeared for the respondent. I may note that in Co.Pet. No.505/2016, this court has already passed the order dated 08.10.2018 appointing the OL as the provisional liquidator of the respondent company. Hence, nothing needs to be done in the present petition. The present petition is accordingly disposed of. Liberty is given to the petitioner to file appropriate claim before the OL in the prescribed format within six weeks from today. All pending applications, if any, also stand disposed of.

JAYANT NATH, J.

JANUARY 11, 2019/v