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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CO.PET. 889/2016 & CO.APPL. 3598/2016, 1125 & 1353/2018**

EMBEE SOFTWARE PRIVATE LIMITED Petitioner
Through: Mr. Lzafeer Ahmad & Mr. Abhay
Pratap, Advocates

versus

ANSAL HOUSING & CONSTRUCTION LIMITED..... Respondent
Through: Mr. Amit Mahajan & Mr. Tapas
Tyagi, Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.02.2019**

Co.Appl. 1353/2018 is filed by the petitioner under Section 434 of the Companies Act, 2013 for seeking transfer of the present petition to the NCLT.

Learned counsel appearing for the respondent objects to the application stating that the present petitioner is an operational creditor and he has not given the statutory notice. He also states that the petitioner, after having been granted interim orders in his favour, cannot exit and seek transfer of the petition to NCLT.

Section 434 of the Companies Act, gives liberty to this Court to transfer any petition, pending here, for winding up before the NCLT. The objections raised by learned counsel for the respondent regarding inability to comply with the statutory provisions are misplaced.

As far as the interim order is concerned, learned counsel for the petitioner submits that he has no objection in case the interim order of this Court dated 23.09.2016 is vacated. The order is accordingly vacated.

The title deeds, which were deposited with the Registrar General of this Court, may be released in favour of the respondent.

The petition stands transferred to NCLT accordingly. The Registry may take appropriate steps to transfer the petition.

This order is passed without prejudice to the rights and contentions of the parties on all aspects.

JAYANT NATH, J

FEBRUARY 13, 2019
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