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

+ **OMP (ENF.) (COMM.) 163/2017**

FAR EASTERN MINING CONSTRUCTION COMPANY &

ANR

..... Decree Holders

Through: Ms. Sushila Ram with Ms. Sanjana
Bakshi and Mr. Satyam Singh Pal,
Advs for appellant no. 1

versus

PRATIBHA INDUSTRIES LIMITED & ANR..... Judgment Debtors

Through: Ms. Anusuya Salwan with Ms. Nikita
Salwan and Mr. Shreya Sharma, Advs
for Judgment Debtor no. 3

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 18.02.2019

I.A. No. 2509/2019 (modification of order dated 17.07.2018)

1. Ms. Salwan says that since the NCLT, Mumbai Bench has admitted the petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 (in short 'Code'), she would like to withdraw the captioned application, as only the IRP can approach this Court.

2. To be noted, by this application, variation is sought of the order dated 17.07.2018 whereby this Court had directed New Okhla Industrial Development Authority not to release any amount in favour of judgment debtors.

3. The application is, accordingly, dismissed as withdrawn.
4. Though, this will not come in the way of IRP approaching this Court for necessary relief.

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5. Ms. Sushila Ram, who, appears for the decree holder, does not dispute the fact that vide order dated 01.02.2019, the NCLT, Mumbai Bench has admitted the petition against judgment debtor no. 1 and 3.
6. Learned counsel for the decree holder also informs me that the decree holder has, in fact, filed its claim with the IRP.
7. In these circumstances, since the provisions of Section 14(1)(a) of the code has kicked in, these proceedings cannot continue any further.
8. The Execution Petition is, accordingly, closed with liberty to the decree holder to approach this Court, if necessary, *albeit*, in accordance with law.
9. Accordingly, the next date of hearing fixed in the matter i.e. 12.07.2019, shall stand cancelled.

RAJIV SHAKDHER, J

FEBRUARY 18, 2019

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