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

+ **CM (M) 1788/2019 & CM APPLs. 53926-27/2019**

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Ms. Namrata Mukim, Standing
counsel with Ms. Hreeshika Bhargav,
Advocate. (M:9899106515)

versus

PURNANAND CONSTRUCTION CO. Respondent

Through: Mr. Rajeev Kumar, Advocate.
(M:9810466870)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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29.01.2020

1. The only grievance in this petition is that there are no documents to support the taking over of the business of Purnanand Construction Company (*hereinafter, "partnership firm"*) by PNSC Infrastructure Pvt. Ltd. (*hereinafter, "company"*).
2. On the last date, the Petitioner was directed to file on record the annexures to the application moved by the partnership firm. The said annexures have now been placed on record. A perusal of the same shows that as per the agreement dated 31st March, 2017, the company claims to have taken over the business of the partnership firm.
3. Further, ld. counsel for the Respondent submits that the successor-in-interest of the firm is the company - PNSC Infrastructure Pvt. Ltd. The affidavit of Mr. Purnanand, has also been placed on record. It is also shown that the Nr.DMC, has given the enlisting number to the company recognising the old number of the partnership firm as well.

4. Under these circumstances, there is no impediment in recognizing the company as the successor-in-interest of the partnership firm. If any documents are required to be submitted, the same shall be called for by the Nr.DMC.

5. The Nr.DMC is apprehensive of any claims being raised by the partnership firm if the payments are made to the new company. Accordingly, let an undertaking be submitted by the promoters of PNSC Infrastructure Pvt. Ltd. and the partners of the erstwhile Purnanand Construction Company to the Nr.DMC to the effect that the payments may now be made to PNSC Infrastructure Pvt. Ltd. and that the Nr.DMC would not be liable to make any payments to the partnership firm, if payments are made to the Company. Copy of the undertaking submitted to the Nr.DMC be filed before the Trial Court within four weeks.

6. The petition and all pending applications are disposed of in the above terms. *Dasti*.

PRATHIBA M. SINGH, J.

JANUARY 29, 2020/dk