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

+ **CO.APP. 5/2020**

**NEW OKHLA INDUSTRIAL DEVELOPMENT
AUTHORITY**

..... Appellant

Through: Mr. Ravi Gupta, Senior Advocate
along with Mr. Abhay Kumar Tayal
& Mr. Nishant Prateek, Advocates.

versus

GWALIOR TRANSMISSION SYSTEMS LTD. Respondent

Through: Ms. Ruchi Sindhwani, Advocate for
Official Liquidator.
Ms. Yamini Nijhawan, Advocate for
Auction Purchaser.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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19.02.2020

C.M. No. 6788/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**CO.APP. 5/2020 and C.M. Nos. 6785/2020, 6787/2020, 6789/2020 &
6790/2020**

We have heard learned senior counsel for the appellant. He has referred to terms and conditions in the prescribed lease deed. As also, to the calculation chart at page 162 of the appeal paper book which shows calculation of interest @ 16.5 % p.a. Mr. Gupta submits that though the lease deed Annexure A-3 did not form part of the record, the same was produced before learned Single Judge.

In view of the submissions that the appellant seeks to advance, which do not find any objection in the impugned order, we are of the view that it would be appropriate to permit the appellant to move a review application before the learned Judge who has passed the impugned order.

To consider the said aspect, issue notice. The appellant shall implead the Auction Purchaser as a party respondent. Amended memo of parties be filed within a week.

Notice is accepted on behalf of the Official Liquidator and on behalf of the Auction Purchaser.

We have heard learned counsels. Learned counsel for the respondent Auction Purchaser, without prejudice to its rights & contentions and without it constituting a concession, submits that the appellant may be permitted to move a Review Petition before the learned Company Judge in respect of the order dated 16.09.2019. Accordingly, the present appeal is disposed of while granting liberty to the appellant to move an application to seek review of the order dated 16.09.2019 before the learned Company Judge who passed the order dated 16.09.2019. If such an application is moved within the next ten days, no objection with regard to the limitation shall be raised by any of the respondents.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SANJEEV NARULA, J

FEBRUARY 19, 2020

B.S. Rohella