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

+ CS(COMM) 86/2020, IA No.2494/2020(u/O.XXXIX R.1&2 CPC),
IA No.2495/2020(exemption), IA No.2496/2020(exemption),
IA No.2497/2020(exemption) & IA No.2498/2020(u/S.149 CPC)
RAJEEV ARORA & ANR. Plaintiffs

Through: Mr. Jayant Mehta with Mr. Amit
Tomar & Mr. Chirag Pathor, Advs.

versus

DAKSHIN DILLI SWACHH INITIATIVE LTD. & ANR.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.02.2020

1. The two plaintiffs namely (i) Rajeev Arora, proprietor of Pitambara's Transport Services; and, (ii) Harish Chandra Waila, proprietor of Shree Waste Management, have instituted this suit against the two defendants, namely (a) Dakshin Dilli Swachh Initiative Ltd.; and, (b) IL&FS (A) for permanent injunction to restrain the defendants from deducting any amount under the heads 'penalties' from payments due to the plaintiffs; and, (B) for declaration that the amount of 'penalty' if any imposed by any statutory authority on the plaintiffs will be borne by the defendants.
2. The suit is *inter alia* accompanied with an application for extension of time for payment of Court fees.

3. The counsel for the plaintiffs however states that he has advised the counsel for the plaintiffs that the suit, in the form, filed is not maintainable and there is also a statutory bar of the Insolvency and Bankruptcy Code, 2016 to the institution of the suit, and seeks to withdraw the suit with liberty to take appropriate remedies.

4. Dismissed as withdrawn with liberty as aforesaid.

RAJIV SAHAI ENDLAW, J

FEBRUARY 24, 2020

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