

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 14019 of 2021 (O&M)
Date of Decision: 03.08.2021**

Mukesh Sharma, Karnal and others

..... Petitioners

Versus

The Liquidator, Best Foods Limited (in Liquidation),
Pitampura, New Delhi.

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Abhishek Bhateja, Advocate
for the petitioners.

Mr. Aalok Jagga, Advocate
for the respondent - Liquidator.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J. (ORAL)

The petitioners are the employees of M/s Best Foods Ltd (Company in Liquidation). The said Company was admitted to Corporate Insolvency Resolution Process vide order dated 02.02.2018 (**Annexure P-2**) passed by the National Company Law Tribunal (in short “the Tribunal”) in a petition instituted by an Operational Creditor under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as “Code, 2016”). Since Committee of Creditors did not find a viable Resolution Plan coming their way, it resolved for liquidation, pursuant to which, learned Tribunal passed order dated 01.03.2021 (**Annexure P-5**) ordering liquidation of the Corporate Debtor and respondent was appointed as the Liquidator.

The Discharged Directors of the Company (in Liquidation), preferred Appeal No. 276 of 2021 under Section 61 of the Code, 2016 before

the National Company Law Appellate Tribunal, but vide order dated

05.04.2021 interim stay against the liquidation order was declined.

Still aggrieved, the Discharged Directors filed Civil Appeal No. 2471 of 2021 before the Hon'ble Supreme Court under Section 62 of the Code, 2016.

In the meanwhile, respondent – Liquidator issued a sale notice dated 08.07.2021 (**Annexure P-1**), vide which the properties of the Company (in Liquidation) were put to sale for 31.07.2021. It is this sale notice (**P-1**) which is under challenge in the present petition.

Learned counsel for the petitioners on the last date of hearing, i.e. on 29.07.2021, conceded that the petitioners have also filed an application for similar cause of action before the learned Tribunal under Section 60(5)(c) of the Code, 2016.

At the time of resumed hearing today, it has been pointed out on behalf of the petitioners that the said application was taken up and considered by the learned Tribunal on 30.07.2021, the order of which has been reserved.

In view of above, counsel for the petitioners does not press the instant petition and prays for permission to **withdraw** the same.

Permitted to do so.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

August 03, 2021

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(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>