

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

110

CWP-15818 of 2021

Date of decision : **17.08.2021**

Ashish Mohan Gupta

... Petitioner

Versus

The Liquidator Hind Motors Mohali Pvt. Limited and another

.. Respondents

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

Present : Mr.Anand Chhibbar, Senior Advocate assisted by
Mr.Vikas Kuthiala, Advocate
for the petitioner.

Mr.Kamal Satija, Advocate for the Liquidator.

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

Jaswant Singh, J. (Oral)

Petitioner-Ashish Mohan Gupta is an Ex-Director/promoter and shareholder of M/s Hind Motors Mohali Private Limited, a company at present in liquidation pursuant to order passed by the National Company Law Tribunal Chandigarh Bench, Chandigarh (in short-'NCLT'). It is claimed that in spite of the liquidation proceedings, an application under Section 12A of the Insolvency and Bankruptcy Code, 2016 has been moved by one of the fixed deposit holder of the corporate debtor i.e. M/s Hind Motors Mohali Private Limited, seeking to retrieve from the liquidation proceedings in view of the proposed settlement.

The grievance raised before this petition is that Liquidator has proceeded to auction the property forming part of the liquidation estate in violation of interim order passed by this Court on 28.04.2021 and extended on 30.06.2021 in CWP (PIL) No.77 of 2021 whereby the banks and financial institutions were restrained from auctioning any property of a

Company. It is claimed that application had been moved seeking a similar relief before NCLT, however, due to heavy roster, the same could not take up for hearing. Hence, this petition.

At the time of hearing, Mr.Anand Chhibbar, Senior Advocate submits that the present writ petition, at this stage, would be infructuous as the auction fixed for today has not attracted any bid, as also Mr.Kamal Satija, Advocate appearing for the Liquidator conceded that the said interim order(s) passed by this Court is/are fully applicable to any such proceedings undertaken by the Liquidator as well.

In view of the above, this petition is disposed of as infructuous.

[JASWANT SINGH]
JUDGE

[SANT PARKASH]
JUDGE

17.08.2021

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No