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

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Date of decision: 20.09.2021

+ **CO.APP. 6/2020 & CM Nos. 7317-19/2020, 12164-65/2021**

V.K. SHARMA

..... Appellant

Through: Mr. Jayant Mehta, Sr. Advocate with
Mr. Dheeraj Gupta, Advocate.

versus

HOFFLAND FINANCE LTD. (IN LIQN.) & ORS. Respondents

Through: Ms. Ruchi Sindhwani, Sr. Standing
Counsel, Ms. Megha Bharara, Adv
for Official Liquidator.

Mr. Ashish Aggarwal with Gurkamal
Hora, Advs. for Respondent no. 3

Col. P. M. Dubey, VSM Chairman of
Court Appointed Committee with Mr.
Sanjeev Ralli, Sr. Advocate with Mr.
Mohit Mudgal, Ms. Shivani Rautela
Advs. for the Court appointed
Committee.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL)

[Court hearing convened via video-conferencing on account of COVID-19]

1. Mr. Jayant Mehta, leaned senior counsel, on instructions received from Mr. Dheeraj Gupta, who is the counsel-on-record for the appellant, says that, he would like to withdraw the above-captioned appeal, and press

the application [i.e., C.A. No.230/2015 filed in C.P. No.351/1999], which is pending adjudication before the learned company Judge.

1.1. Mr. Mehta says that, via the aforementioned application, the appellant wishes to bring to fore the aspect, which is, that, Goga Foods Ltd. is a company, which is, a part of the JVG Group of Companies, and not Hoffland Group of Companies.

2. Ms. Ruchi Sindhwani, learned standing counsel, who appears on behalf of the Official Liquidator (in short "OL"), says that, she would have no objection to the above-captioned appeal being withdrawn, and if the appellant wishes to press the aforementioned application, this Court should make it clear that the same should be decided, as per law, and after hearing the contentions of both the sides.

3. Accordingly, the above-captioned appeal is dismissed as withdrawn with liberty to the appellant to press the aforementioned application before the learned company judge. Consequently, pending applications shall also stand closed.

4. Needless to add, since we have not examined the matter on merits, the learned company judge will decide the aforementioned application, if it were to be pressed by the appellant, as per law, and after hearing the contesting parties which includes the OL.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 20, 2021/nk

Click here to check corrigendum, if any