

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.416 OF 2019
IN
COMPANY APPLICATION NO.110 OF 2019**

Directorate General of Hydrocarbons
(Ministry of Petroleum and Natural Gas) : Appellant.

Vs.

The Official Liquidator & Liquidator of
Hydrocarbon Development Co. Pvt. Ltd.
and others : Respondents.

Mr. Jitendra B. Mishra a/w Mr. Ashutosh Mishra for the Appellant.
Mr. Shanay Shah a/w Mr. Rushabh Sheth for Respondent No.1 –
Official Liquidator.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.
DATE : 22nd AUGUST, 2023**

P.C. :

The present Appeal impugns an order dated 22nd February 2019 by which one Shabnam Arif Memon who was the Ex-Director of Company in Liquidation (being the Applicant in Company Application (L) No.58 of 2019) was granted liberty to take out appropriate applications under the provisions of Arbitration and Conciliation Act, 1996.

2. The present Appeal impugns the order dated 22nd February 2019 on the ground that since the Official Liquidator was the In-charge of the Company in Liquidation, the Ex-

Director was not legal and proper person to adopt arbitration proceedings in respect of the Company in Liquidation.

3. Mr. Mishra, the learned counsel appearing on behalf of the Appellant has today invited our attention to the orders of Delhi High Court dated 10th May 2023 to submit that the Arbitration Petitions filed by Shabnam Arif Memon- Respondent No.2 herein have been dismissed, and in view thereof the challenge in the present Appeal would not presently subsist. Mr. Mishra therefore given these turn of events sought leave of this Court to withdraw the present Appeal with liberty to file the same afresh in the event that Shabnam Arif Memon – Respondent No.2 herein (Ex-Director) either takes steps to restore the Petitions that were dismissed or file a fresh Petition pursuant to the liberty granted by the Impugned Order.

4. Mr. Shah, the learned counsel appearing on behalf of the Official Liquidator – Respondent No.1 herein, in fairness, submitted that there was no opposition to this course of action being adopted.

5. In view thereof the Appeal is dismissed as withdrawn with liberty as prayed for by the Appellant.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)