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

Reserved on: 03rd July, 2023

Date of Decision: 05th July, 2023

+ **CO.PET. 190/2013 & CO.APPL. 343/2023**

DELFIN EXPO MART

..... Petitioner

Through: None.

versus

**ROYAL REGENCY FASSIONS PVT LTD &
OTHERS**

..... Respondents

Through: Mr. D. Bhattacharya, Standing
Counsel for OL. (M:9899814806)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.

CO.APPL.343/2023 in CO.PET.190/2013

2. The present application has been moved by the Official Liquidator (OL) under Section 481 of the Companies Act, 1956, seeking dissolution of the Company (In Liqdn.), namely, M/s Royal Regency Fassions Pvt. Ltd., which was directed to be taken over by the Official Liquidator attached to this Hon'ble Court as its Provisional Liquidator on 30th July, 2014.

3. Mr. Bhattacharya, ld. counsel for the Official Liquidator has made his submissions in the application.

4. The Ld. Counsel for the Official Liquidator, Mr. D. Bhattacharya, submits that the Official Liquidator has moved this application as ultimately he could not lay his hands on any asset which could be liquidated nor could make any realization thereof. He states that post the appointment of the



official liquidator by this Hon'ble Court, though certain seizures were made, like the registered office of the Company (In Liqdn.), but later it was found to be not belonging to the Company (In Liqdn.) and rather that property was the personal asset of the Ex- Directors, and which again was mortgaged to Bank of Baroda. Later, Bank of Baroda had seized the same under SARFAESI proceedings and disposed it off on 1st March, 2014 vide a registered sale deed. Accordingly, the Company (in liqdn.) was not found to be owning any immovable property.

5. The Ld. Counsel further submits that as regards other assets, there were certain moveables like furniture & fittings & stock, and some trade debtors and loans and advances. The Furniture & fittings were stated by the ex- directors to be taken over by the Bank of Baroda. As regards the trade debtors and loan and advances, the value specified were Rs. 82,00,000/- (Approx.), as per the value specified in the statement of affairs dt. 30.07.2014. However, none of them were found to be realizable because when notices were issued to those debtors, all such notices have returned unserved.

6. Further, the Ld. Counsel submits that in these circumstances the Official Liquidator cannot proceed further; he is not left with any asset of the Company (In Liqdn), he has no funds to disburse to Creditors of the Company (In Liqdn.) even if any claims might exist against the Company (In Liqdn.). Accordingly, it is submitted by the Ld. Counsel that no purpose will be served in inviting any claims from the creditors of the Company (In Liqdn.) and to keep the present proceedings alive. As such, the Ld. Counsel prays to allow the present application stating it to be a fit case to order dissolution of the Company (In Liqdn.).



7. Heard the Ld. Counsel.

8. The submissions made herein above demonstrate that the Official Liquidator is unable to make any appropriate seizure or make any realization of funds which he could have utilized to pay off any prospective creditor of the Company (In Liqdn.). Neither are there any immoveable assets nor any moveable asset or cash available in the hands of the Official Liquidator. In the circumstances, this Hon'ble Court is of the view that the present application deserves to be allowed, and is allowed with the following directions:

- i. that since no assets are available, the official liquidator is exempted from inviting claims from the creditors;
- ii. that M/s Royal Regency Fashions Pvt. Ltd., the Company (In Liqdn.) is ordered to be dissolved hereby, and the Official Liquidator stands discharged accordingly.

9. The Official Liquidator will intimate the concerned Registrar-of-Companies about the present order passed by this Hon'ble Court in not later than 30 days hereof.

10. With the above directions, this present petition along with all pending applications is disposed of.

11. Next date of hearing stands cancelled.

PRATHIBA M. SINGH
JUDGE

JULY 5, 2023

dk/kt