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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.02.2024

+ CO.APP. 2/2024 & CM APPL. 7004/2024

SIDHESHWAR PRASAD

..... Appellant

versus

M/S VIAN INFRASTRUCTURE LTD THROUGH MR SURYA
KRITICHAND THAPAR, EX DIRECTOR & ANR Respondents

Advocates who appeared in this case:

For the Appellant: Mr. Uddhav Pratap and Mr. Y.R. Sharma,
Advocates.

For the Respondent: Ms. Ruchi Sindhwani, Senior Standing Counsel
with Ms. Megha Bharana, Advocate for Official
Liquidator

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 7005/2024 (condonation of delay)

For the reasons stated in the application, application is allowed.

Delay is condoned.



Application is disposed of.

CO.APP. 2/2024

1. Appellant impugns order dated 28.11.2023 whereby the application filed by the appellant being CO. APPL. 1066/2018 has been disposed of holding that since the appellant has already submitted a claim before the Official Liquidator and same has already been adjudicated, the appellant would be at liberty to file a statutory appeal.
2. Learned counsel appearing for the Official Liquidator submits that at the time when the impugned order dated 28.11.2023 was passed, the claim of the appellant had been rejected because the appellant had not produced the relevant original documents. She submits that subsequently the Official Liquidator gave another opportunity to all individuals whose claims had been rejected for non filing of original documents. Appellant thereafter produced certain original documents based on which by an order dated 05.02.2024, a claim of appellant for Rs. 1,72,500/- has been admitted.
3. Copy of order dated 05.02.2024 is produced and the same is taken on record.
4. Learned counsel for the appellant submits that appellant may also have some more original documents which he could not trace out at that point and he would make an endeavour to trace out further



original documents and produce the same before the Official Liquidator.

5. In view of the above, the appeal is disposed of giving an opportunity to the appellant to produce such other original documents including receipts that the appellant may have with the Official Liquidator within a period of one week from today.

6. In case appellant produces further original documents, the Official Liquidator shall consider the same in accordance with law. In case no further documents are produced by the appellant within one week, appellant would be at liberty to take appropriate remedy, if aggrieved by order dated 05.02.2024 in accordance with law.

SANJEEV SACHDEVA, J

FEBRUARY 6, 2024
'rs'

RAVINDER DUDEJA, J