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

+ **W.P.(C) 2231/2024**

**RAJDARBAR INFRASTRUCTURE PRIVATE LIMITED
(FORMERLY KNOWN AS FORTUNE DEVELOPERS
INTERNATIONAL PVT. LTD) Petitioner**

Through: **Mr. Rajesh Ranjan, Mr. Neeraj
Matta, Mr. Archit Chauhan, Mr.
Joel and Mr. Shivkant Arora,
Advs.**

versus

PITAMBARA BOOKS PRIVATE LIMITED & ORS.

..... Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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15.02.2024

CM APPL. 9256/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. None appeared on behalf of the respondents despite advance notices.
4. learned counsel for the petitioner submits that barring that the petitioner company is different, rest of the pleadings are similar to the one in W.P.(C) 2092/2024 titled **M/s. Galaxy Nirman Private Ltd. v. Kanti Prasad Agarwal & Ors.**, in which some directions were passed by this Court vide order dated 13.02.2024.
5. The long and short of the submissions made is that in Company



Petition No. 144 (ND)/2012 i.e. filed by the respondent nos. 1 to 3 is sub-judice that are filed for seeking reliefs under Section 397, 398 read with Section 235, 237 besides Section 111 of the Companies Act, 1956.

6. It is submitted that an interim order dated 09.11.2012 is operating against the present petitioners for the fact that respondents No. 1 and 3, who are the petitioners in Company Petition No. 144(ND)/2012 are making false claims that they have 16.98% of the shareholding out of the subscribed capital of the petitioner company. It is pointed out that the respondents No. 1 to 3/petitioners in the company Petition No. 144(ND)/2012 have taken contradictory stands in the arbitration proceedings bearing No. ARB.P. 529/2015.

7. It may be reiterated that this Court is not oblivious of huge pendency of cases, which are pending for consideration before the NCLT. Decision on sheer numbers of cases on complicated issues raised therein take considerable time and efforts. At the same time, the Courts have a duty to ensure that no party is able to abuse the process of law.

8. In the face of the fact that the respondents No. 1 to 3 are enjoying interim relief in terms of the order dated 09.11.2012, it casts upon a duty on the justice delivery system to ensure that the defending application moved on behalf of the petitioner bearing IA No. 265/2023 is taken up for consideration at the earliest.

9. Accordingly, a directions be issued to the NCLT, New Delhi to ensure that IA No. 265/2023 moved on behalf of the petitioner in Company Petition No. 144 (ND)/2012 is taken up for consideration at the earliest and appropriate decision may be made within four to six weeks from today.



10. The present writ petition is disposed of.

DHARMESH SHARMA, J

FEBRUARY 15, 2024/sp