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

+ **CO.APP. 14/2024**

AJIT SINGH

.....Appellant

Through: Mr Paramvir Singh Narang, Mr
Deepak Kumar and Mr Prabhat
Kaushik, Advocates.

versus

MVL LIMITED

.....Respondent

Through: Mr Ankit Jain and Mr Abhay Pratap
Singh, Advocates.
Ms Megha Bharara, proxy counsel for
Ms Ruchi Sindhwani, Advocate for
Official Liquidator.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

29.10.2024

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1. The appellant has filed the present appeal impugning an order dated 19.03.2024 passed by the learned Company Court in Co.Appl. 34/2024 in Company Petition 668/2014 captioned *Abhinandan Kumar Jain v. MVL Limited*. The appellant also impugns an order dated 28.11.2023 passed by the learned Company Court in Co.Appl. 740/2023.

2. The appellant had filed the aforementioned application (Co.Appl. 740/2023), *inter alia*, praying that the Resident Welfare Association (RWA) of the Group Housing Society in question be directed not to levy any maintenance charges prior to the appellant taking over possession of his



residential unit. The said application was premised on the basis that the company in liquidation had entered into an Agreement with the appellant that it would bear all maintenance charges in respect of the residential unit being Flat no.202 on second floor, Avenue 3 Wing B, MVL Coral, situated at village Saidpur, Alwar bypass road, Bhiwadi, Distt. Alwar, Rajasthan, prior to the appellant taking over the possession of the same from the company in liquidation.

3. The learned Company Court held – in our view rightly so – that no directions could be issued to the RWA to not levy maintenance charges as the subject matter before the Court did not concern the disputes. The petition did not concern the disputes between the appellant and the RWA in question.

4. The appellant filed an application seeking review of the said order dated 28.11.2023 passed in Company Application no.740/2023. However, the same was dismissed by the impugned order dated 19.03.2024.

5. Concededly, the appeal against an order rejecting the appellant's application for review of an earlier order is not maintainable. Thus, no interference with the impugned order dated 19.03.2024 passed in Company Application no.34/2024 is permissible in these proceedings.

6. Insofar as the appellant's challenge to the order dated 28.11.2023 in Company Application no.740/2023 is concerned, we find no infirmity with the view of the learned Company Court. The appellant cannot impute these disputes with the company in liquidation as disputes with the RWA. As noted above, the appellant's claim is premised on the *inter se* agreement



entered by the appellant with the company in liquidation and not with the RWA.

7. The appeal is unmerited and, accordingly, dismissed.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

OCTOBER 29, 2024
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