



\$~51

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

+ **CO.APP. 17/2024**

**SARASWATI SEWA KUNJ EDUCATIONAL
TRUST**

.....Appellant

Through: Mr. Pankaj Garg, Advocate
with Mr. Milind Garg, Mr.
Yaksh Garg and Ms. Saumya
Jain, Advocates.

versus

**M/S TRIVENI INFRASTRUCTURE DEVELOPMENT CO
LTD (THROUGH OFFICIAL LIQUIDATOR)Respondent**

Through: Ms. Ruchi Sindhvani, SSC
with Ms. Megha Bharara,
Advocate for OL.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **05.07.2024**

CM APPL. 36947/2024 (Ex.)

Allowed, subject to all just exceptions.

Application stands disposed of.

CO.APP. 17/2024 & CM APPL. 36946/2024 (Stay)

1. This appeal is directed against the order dated 29 May 2024 passed by the learned Company Judge. The learned Judge has chosen to issue notice on an application for review which was made.

2. The grievance of the appellant is with respect to an e-auction which has been ordered by the learned Company Judge and which comprises a parcel of land which, according to the appellant, is held by it on the basis of a lease.



3. We note that the learned Judge in paragraph 4 of the order impugned before us has noted that the appellant had on no prior occasion pressed CO.APPL. 840/2013 and CO.APPL. 841/2023. The said applications thus remained pending on the board of the learned Company Judge without any effective arguments being addressed thereon. There has thus been a manifest failure on the part of the appellant to have pressed those applications seeking exclusion of the subject parcel of land which undisputedly forms part of the liquidation assets.

4. In any case and since those applications have been posted for 18 July 2024, we find no ground or justification to place the e-auction in abeyance.

5. Consequently, while we leave all contentions of the appellant open to be addressed before the learned Company Judge, the appeal shall stand dismissed.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

JULY 5, 2024/vp