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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CO.APP. 28/2024 & CM APPL. 61057-58/2024**
PAVAN DATTA

.....Appellant

Through: Mr Hersh Desai and Ms Shwetal
Shepal, Advocates.

versus

SANDEEP SETHI & ORS.

.....Respondents

Through: Ms Ruchi Sindhvani, SSC and Ms
Megha Bharara, Advocate for the
Official Liquidator.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
18.10.2024

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1. The appellant has filed the present appeal impugning an order dated 23.08.2024 passed by the learned Company Court in Company Petition No.213/2010 captioned *Sudhanshu Batra v Lakshish Habitats Limited*, allowing the application for condonation of delay filed by various claimants for filing the claim before the Official Liquidator.
2. The applicant in the said case (respondent no. 1 in the present appeal) had sought condonation of delay of 500 days from filing the claims on the ground that he became aware of the liquidation proceedings sometime in the month of May 2024. Thereafter, on 27.07.2024, the respondent filed an affidavit supporting his claim, before the Official Liquidator. However, the same was beyond the last date for filing of any claim.



3. In the aforesaid context, the respondent filed an application before the learned Company Court, incorrectly terming the same as an appeal for condonation of delay in filing his claim. The learned Company Court had considered the same and condoned the delay for the reasons stated in the application.

4. The appellant is an ex-director of the company in liquidation (Lakshish Habitats Limited) and has filed the present appeal impugning the order of the learned Company Court condoning the delay on the part of respondent no.1 in filing his claim.

5. The appellant claims that the application was not filed after a delay of 500 days as stated by respondent no.1, but after a delay of almost 5000 days. According to the appellant, the delay in filing the claim is required to be reckoned from the date when the order appointing the Official Liquidator as the Provisional Liquidator was passed by the learned Company Court – that is, from 18.08.2011. The said premise is, clearly, erroneous.

6. It is not in dispute that the learned Company Court, by an order dated 29.07.2019, had directed the Official Liquidator to publish the notice in ‘Hindi’, ‘English’ and ‘Marathi’ in the newspapers chosen by the Official Liquidator. Concededly, the notice was published in ‘Times of India’, ‘Dainik Bhaskar’ (Delhi-NCR and Marathi edition) as well as the ‘Loksatta’ (Marathi Edition) on 19.03.2023. The notice specifically stated that the last date for filing the claims was 10.04.2023. Thus, the creditors of the company in liquidation could prefer a claim before the Official Liquidator before 10.04.2023. It appears from the application filed by the respondent that respondent no.1 filed his claim on 27.07.2024.

7. Undoubtedly, there is delay on the part of the respondent in filing the



claim before the Official Liquidator. However, the delay is not of 4739 days as claimed by the appellant, but is less than 500 (five hundred) days.

8. We find no infirmity with the decision of the learned Company Court.

9. Accordingly, the appeal is dismissed. Pending applications also stand disposed of.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

OCTOBER 18, 2024

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Click here to check corrigendum, if any