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

+ **FAO(OS) (COMM) 99/2018**

M/S ANEJA AGENCIES

.....Appellant

Through: Ms Arti Anupriya, Mr Ravinder
Kumar Yadav, Mr Kartikey and Ms
Kritika, Advs.

versus

M/S PRIKNIT RETAILS LTD & ORS

.....Respondents

Through: Mr Ashok Kumar Goyal, Mr
Mahendra Pratap Singh, Ms Purna
Goyal and Mr Pankaj Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

19.09.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. Mr Ashok Kumar Goyal, learned counsel, who appears on behalf of the Official Liquidator, says that the proceedings before the National Company Law Tribunal, Chandigarh Bench [hereafter referred to as "NCLT"] were listed today, i.e., 19.09.2024.
2. Mr Goyal says that if the appellant were to approach the NCLT, appropriate directions, perhaps, could be issued to consider the claim made by the appellant *vis-à-vis* the company in liquidation, i.e., respondent no.1.
3. Ms Arti Anupriya, learned counsel, who appears on behalf of the appellant, says that the appellant would have no difficulty in approaching the NCLT if liberty is given to revive the appeal in case the NCLT declines the request to direct the liquidator to consider its claims.

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4. Having heard Ms Anupriya and Mr Goyal, we are of the view that the appeal can be disposed of with the following directions:

(i) The appellant is granted liberty to move the NCLT within the next three (03) weeks with an application, *albeit* as per law, for issuance of a direction to the liquidator to consider its claim.

(ii) In the event the NCLT does not entertain the application that the appellant proposes to move, it would have liberty to seek revival of the present appeal.

5. We may note that the aforementioned directions are being issued as the award passed in favour of the appellant was set aside only on the ground that there was no arbitration agreement obtaining between the appellant and company in liquidation, i.e., respondent no.1. As regards the claims, no decision was taken on merits.

6. The appeal is disposed of in the aforesaid terms.

7. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 19, 2024

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[Click here to check corrigendum, if any](#)

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