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

+ EX.P. 279/2015 & EX.APPLs.(OS) 904/2015, 43/2016, 144/2017,
145/2017, 10/2018, 91/2018, 167/2018, 168/2018, 181/2018,
929/2019, 1682/2023, 1716/2023, 20/2024.
GREENS POWER EQUIPMENT (CHINA) Decree Holder

versus

SRAVANTHI INFATECH PRIVATE LTD. Judgement Debtor

+ O.M.P.(I) 384/2015 & I.As. 15571/2015, 1203/2016, 3891/2017,
3892/2017, 350/2018, 2269/2018, 4158/2018, 5942/2018,
5943/2018, 5959/2018, 25640/2023, 25778/2023, 613/2024.
GREENS POWER EQUIPMENT (CHINA) COMPANY
LIMITED (GPECL) Petitioner

versus

SRAVANTHI INFATECH PRIVATE LIMITED
& ORS. Respondents

+ O.M.P.(I) 385/2015 & I.As. 15573/2015, 1204/2016, 3888-
90/2017, 349/2018, 4159/2018, 5944-45/2018, 5962/2018,
25629/2023, 25781/2023, 225/2024.
GREENS POWER EQUIPMENT (CHINA) CO. LIMITED
(GPECL) Petitioner

versus

SRAVANTHI INFATECH PRIVATE LIMITED
& ORS. Respondents

+ O.M.P.(I) 386/2015 & I.As. 15575/2015, 1205/2016, 3893-
94/2017, 347-48/2018, 2270/2018, 4161/2018, 5940-41/2018,
5967/2018, 17401-02/2018, 25777/2023, 26173/2023, 323/2024.
GREENS POWER EQUIPMENT (CHINA) Petitioner



versus

SRAVANTHI INFATECH PRIVATE LTD.
& ORS

..... Respondents

+ O.M.P.(I) 451/2015 & LA. 5969/2018.
SRAVANTHI INFRATECH PRIVATE LIMITED Petitioner

versus

GREENS POWER EQUIPMENT (CHINA)
CO. LTD.

..... Respondent

+ OMP (ENF.) (COMM.) 85/2016 & EX.APPLs.(OS) 1692-93/2023,
11/2024, I.As. 11094/2016, 3883-84/2017, 356/2018, 4160/2018,
5936-37/2018,5968/2018.
GREENS POWER EQUIPMENT (CHINA) CO., LIMITED
(GPECL) & ANR. Decree Holders

versus

SRAVANTHI LNFRATECH PRIVATE
LIMITED

..... Judgement Debtor

+ OMP (ENF.) (COMM.) 88/2016 & EX.APPLs. 1689-90/2023,
7/2024, I.As. 3881-82/2017, 358/2018, 4157/2018, 5934-35/2018,
5951/2018.

GREENS POWER EQUIPMENT (CHINA) CO., LIMITED
(GPECL)

..... Decree Holder

versus

SRAVANTHI INFRATECH PRIVATE
LIMITED

..... Judgement Debtor



Appearances:

Mr. Atul Kumar, Mr. Arun Gaur, Mr. Abhimanyu Sharma, Advocates for Green Power.

Mr. Ramesh Singh, Sr. Advocate with Mr. Piyush Joshi, Ms. Sumiti Yadav, Ms. Turshita Shrivastava, Ms. Devyani Prasad, Mr. Shashwat Shah, Advocates for Sravanthi Infratech Pvt. Ltd.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.02.2024

EX.P. 279/2015, O.M.P.(I) 384/2015, O.M.P.(I) 385/2015, O.M.P.(I) 386/2015, OMP (ENF.) (COMM.) 85/2016, OMP (ENF.) (COMM.) 88/2016

1. By order dated 22.01.2024, the contention of learned Senior Counsel for the judgment debtor was recorded to the effect that the petitioner/decreed holder – Green Power Equipment (China) Company Ltd. [“Green Power”] has gone into bankruptcy, and has been struck off the Register of Companies under the applicable legal provisions. A grievance was raised that although bankruptcy proceedings were initiated in December, 2017 and the company was struck off the Register of Companies on 02.08.2022, the petitioner/decreed holder has not even brought these facts to the knowledge of the Court.

2. In view of these submissions, learned counsel for Green Power was granted time to file replies, indicating the authority of the person filing the reply, and to provide documentary support to establish the rights of the petitioner/decreed holder to continue with the proceedings. No reply has been filed, nor have any documents been placed on record to controvert the case made out by the respondent/judgment debtor.



3. Instead, Mr. Abhimanyu Sharma, learned counsel for Green Power, has handed over some correspondence between counsel for Green Power and Mr. Patrick Cowley of KPMG Hongkong, which is taken on record. Mr. Sharma states that KPMG Hongkong were the Chartered Accountants of Green Power, and were the persons with whom counsel were corresponding.

4. The correspondence placed on record shows that on 13.06.2023, learned counsel wrote to Mr. Cowley seeking the latest status of legal proceedings relating to Green Power, and stated that in the absence of any clarity on the above issue, they were unable to proceed further. Mr. Cowley's response dated 16.06.2023 records that he was unable to provide a status update as he did not know the current position. He stated that it was likely that the entity would have been dissolved by the Chinese authorities, but was unable to confirm this position. After the last order dated 22.01.2024, learned counsel addressed another communication to Mr. Cowley on 30.01.2024 but received no response.

5. The documents placed on record by the respondent/judgment debtor include a communication from KPMG stating that Green Power has gone through bankruptcy proceedings in China, and has been struck off on 02.08.2022. It has also been stated that liquidators have not taken control over Green Power since the appointment of KPMG. A copy of an order of a Court in China dated 20.12.2018 has also been placed on record, the translated copy whereof reveals that Green Power has been declared bankrupt.

6. These documents are addressed to the respondent/judgment debtor by the same Chartered Accountants with whom learned counsel for



petitioner/decreed holder were interacting. They show that the petitioner/decreed holder has been struck off the Register of Companies. Despite opportunity, the petitioner/decreed holder has not sought to controvert these documents, or explain them.

7. In view of the aforesaid, it appears that the petitioner/decreed holder is not in a position to prosecute these enforcement proceedings, or petitions under Section 9 of the Arbitration and Conciliation Act, 1996.

8. The petitions and enforcement proceedings, alongwith pending applications, are therefore disposed of, with liberty to the petitioner/decreed holder to file an appropriate application for revival of the proceedings, if necessary. Such an application will contain clear averments, and be accompanied by documentary evidence, in support of the locus and authority of the applicant.

9. All interim orders are vacated.

O.M.P.(I) 451/2015

In view of the aforesaid orders, Mr. Ramesh Singh, learned Senior Counsel for the petitioner, does not press this petition.

The petition, alongwith pending applications, is dismissed as withdrawn.

PRATEEK JALAN, J

FEBRUARY 8, 2024

“Bhupi”/