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

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Decision delivered on: 04.03.2024+ **RFA(OS) 45/2017****DALMIA CEMENT (BHARAT) LIMITED** AppellantThrough: Mr Ashish Dholakia, Sr Adv. with Ms
Niyati Kohli, Mr Pratham Veer
Agarwal, Mr Abhay Agnihotri and
Mr Vikram Choudhary, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr Vijay Joshi, Sr Panel Counsel for
UOI.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Court Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):**

1. Pursuant to the order dated 15.02.2024, Mr Ashish Dholakia, learned senior counsel, who appears on behalf of the appellant, has returned with instructions.

1.1 Mr Dholakia says that he has instructions not to press the appeal any further in view of the following circumstances:

(a) Although a public announcement was made, the respondent/Union of India (UOI) has not lodged its claims with the Resolution Professional (RP).

(b) The resolution plan concerning the appellant, which was approved by the National Company Law Tribunal (NCLT) *via* order dated 31.01.2018,



which, as indicated above, did not include the claim of the respondent/UOI, would result in the extinguishment of the respondent's/UOI's claims.

2. Mr Vijay Joshi, learned counsel, who appears on behalf of the respondent/decreed holder, i.e., UOI, contends to the contrary.

3. On being queried, Mr Joshi informs us that execution proceedings have not been initiated yet.

4. Therefore, the appeal is closed with the direction that if and when the execution proceedings are initiated by the respondent/UOI, objections, if any, filed by the appellant will be dealt with in accordance with the law.

4.1 Both parties will be at liberty to put forth their rights and contentions before the executing court.

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

RAJIV SHAKDHER, J

AMIT BANSAL, J

MARCH 4, 2024

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