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

+ **CO.PET. 601/2016**

GREAVES COTTON LIMITED

.....Petitioner

Through: Mr. Jaspreet Singh Kapur, Advocate
through VC.

versus

ARG DISTRIBUTORS PRIVATE LIMITED

.....Respondent

Through: Mr. Saurabh Seth, Ms. Neelampreet
& Mr. Abhiroop Rathore, Advocates.

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+ **CO.PET. 604/2016**

GREAVES COTTON LTD

.....Petitioner

Through: Mr. Jaspreet Singh Kapur, Advocate
through VC.

versus

NEWAGE GENERATORS PVT LTD

.....Respondent

Through: Mr. Saurabh Seth, Ms. Neelampreet
& Mr. Abhiroop Rathore, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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14.11.2024

CO.APPL. 1004/2024 in CO.PET. 601/2016

CO.APPL. 1005/2024 in CO.PET. 604/2016

1. The present Applications under Section 151 of the Code of Civil Procedure, 1908 have been filed on behalf of the respondent seeking transfer of the present petitions to the National Company Law Tribunal.
2. Learned counsels for the parties have referred to the Order dated 23.04.2024 *vide* which this Court had observed that since these two winding up petitions are complete non-starter and a Provisional Liquidator is yet to



be appointed, the matter would be required to be referred to National Company Law Tribunal in view of the decision of the Apex Court in Action Ispat & Power (P) Ltd. vs. Shyam Metalics & Energy Ltd., (2021) 2 SCC 641.

3. The perusal of the record also shows that both the petitions were filed in the year 2016 and for the last two and a half year, the parties have been trying to arrive at a settlement and even thereafter, no material proceedings have taken place.

4. Accordingly, in view of the decision of the Apex Court in Actin Ispat & Power (P) Ltd., (supra), the applications are allowed and these two petitions are transferred to the Registrar, National Company Law Tribunal.

5. The next date of hearing i.e., 05.03.2025 stands cancelled.

NEENA BANSAL KRISHNA, J

NOVEMBER 14, 2024

S.Sharma