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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CO.PET. 402/2014 & CO.APPL. 783/2024
DR. ANIL MISRAPetitioner

versus

NIHO CONSTRUCTION LIMITEDRespondent

+ CO.PET. 432/2014 & CO. APPL. 845/2018
AMIT VERMAPetitioner

Versus

NIHO CONSTRUCTION LTD & ORS.Respondents

+ CO.PET. 433/2014
VIKSA AMIT SINGHPetitioner

versus

NIHO CONSTRUCTION LTD & ORS.Respondents

+ CO.PET. 434/2014 & CO.APPL. 400/2018
SHISHUPAL SINGH RAWATPetitioner

versus

NIHO CONSTRUCTION LTD & ORS.Respondents

+ CO.PET. 435/2014 & CO.APPLs. 398/2018, 238/2023
SRINIVASAN SESHADRIPetitioner

versus

NIHO CONTRUCTION LTD & ORS.Respondents

+ CO.PET. 27/2015 & CO.APPL. 130/2015, 131/2015, 1251/2015



SOBHA LTD.

.....Petitioner

versus

NIHO CONSTRUCTION LTD.

.....Respondent

Appearances:

Mr. M.A. Niyazi, Ms. Kriti Bhardwaj, Ms. Nehmat Sethi, Advocates for respondents.

Mr. Rajaram C. Iyer, Advocate for petitioner in item Nos. 10 to 14.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.10.2025

1. By order dated 16.04.2024, passed in these six petitions, it was recorded as follows:

*“4. Learned counsels for the parties are apprised that in view of the fact that the present winding up of the proceedings have been a complete non-starter and a Provisional Liquidator is yet to be appointed by this Court, in view of the decision by the Supreme Court in the case of **Action Ispat & Power (P) Ltd. v. Shyam Metalics & Energy Ltd.**, (2021) 2 SCC 641, these matters would be required to be transferred to the NCLT. Learned counsels for the parties request time to seek instructions.”*

2. As far as CO.PET. 27/2015 is concerned, the petitioner remains unrepresented, and the position has been the same on the last two dates of hearing. In the present case, Mr. M.A. Niyazi, learned counsel for the respondent, submits that the petition is liable to be transferred to the National Company Law Tribunal [“NCLT”].

3. As far as the other five petitions are concerned, although Mr. Niyazi accepts that the jurisdiction has been vested in the NCLT, he submits that the petitions are not maintainable at the instance of the present petitioners, as they are not creditors of the company.



4. Having regard to the fact that the jurisdiction lies with the NCLT, the contention regarding the maintainability of the petitions will also have to be raised before the NCLT.

5. Consequently, these petitions are transferred to the NCLT for further proceedings. The parties shall appear before the Registrar of the NCLT on 26.11.2025 for further proceedings.

PRATEEK JALAN, J

OCTOBER 30, 2025

'Bhupi' /