



2025:DHC:7574-DB



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

Date of decision: 06.08.2025

+ CO.APP. 8/2025, CM APPL. 47937/2025, CM APPL. 47938/2025 and CM APPL. 47939/2025

PRAMOD KUMAR SAXENA

.....Appellant

Through: Mr. Sangram Pattnaik, Mr. S. K. Sharma, Ms. Swayamsidha Pattnaik, Mr. Vyom Shandilya, Mr. Rohan Kumar, Mr. Varun Raghavan, Mr. Dilshad Ahmed, Advs.

versus

IMPERIAL FORESTRY CORPORATION LIMITED

.....Respondent

Through: Ms. Ruchi Sindhwani, Sr. Standing Counsel with Ms Megha Bharara Adv. for Official Liquidator

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

ANIL KSHETARPAL, J.

CM APPL. 47939/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 47938/2025 (Delay of 196 days in filing the Appeal)

3. By way of the present application filed under Rules 6 & 9 of the Companies (Court) Rules, 1959 read with Section 151 of the Code of



Civil Procedure Act, 1908, the Applicant/Appellant seeks condonation of delay of 196 days in filing the present Company Appeal.

4. For the sufficient reasons stated in the application, the delay is condoned.

5. Accordingly, the present application stands disposed of.

CO.APP. 8/2025 & CM APPL. 47937/2025 (stay)

6. Through the present Company Appeal, the Ex-Management/Appellant assails the correctness of the Orders dated 11.11.2024 and 23.05.2025 passed by the learned Single Judge. *Vide* Order dated 11.11.2024, in Company Petition No. 229/1998 titled ***Re: Imperial Forestry Corporation Limited***, the learned Single Judge re-appointed the **Official Liquidator**¹ as Provisional Liquidator. Subsequently, the Appellant sought review of the Order dated 11.11.2024, which was dismissed by the learned Single Judge *vide* Order dated 23.05.2025.

7. In order to comprehend the issue involved in the present case, the relevant facts in brief are required to be noticed. The winding up proceedings against Imperial Forestry Corporation Limited/Respondent Company were initiated *vide* Order dated 10.06.1998 in Company Petition No. 229/1998, and subsequently, an OL was appointed.

8. Pursuant thereto, the Appellant filed an application seeking the recall of the winding up process and to permit them to deposit a substantial amount of the OL. The Appellant offered to pay a certain amount to the OL in order to show *bona fide*. On 14.05.2018, the

¹ OL



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Appellant was permitted to deposit Rs. 50,00,000/- with the OL and to file an undertaking that the Respondent Company will take care of the dues of all *bona fide* creditors of the Company. In view thereof, the order appointing the OL as the **Provisional Liquidator**² was directed to be kept in abeyance.

9. Consequently, the learned Single Judge, *vide* Order dated 20.09.2018, recalled the appointment of the OL as the PL, noting that the Appellant had deposited the said amount and filed the Affidavit in compliance.

10. Thereafter, the OL filed a report, being OLR 102/2023, before the learned Single Judge (Company Court), setting out the pending claims. On 21.05.2024, one last opportunity was granted to the Ex-Management to nominate a Chartered Accountant or any Financial Expert of their choice to visit the office of OL and verify the genuineness of the claims detailed in the Report, between 24.06.2024 to 04.07.2024.

11. On 11.11.2024, the Ex-Management continued to dispute about the genuineness of the Claim finalised by the OL. The OL, in response, apprised the Court that the Appellant had filed affidavits in 2018, undertaking to be bound by the computation of amounts as ascertained by the OL. It was recorded that the Respondent Company has outstanding debt of more than Rs. 1.54 crores, which has been confirmed by the Company; however, the learned counsel representing the Appellant contested this position. As per the report submitted by the OL, the Appellant failed to discharge the claim of the Creditors.

² PL



Consequently, a fresh Provisional Liquidator was appointed to continue with the liquidation proceedings.

12. An application for recall and review of the Order dated 11.11.2024 was filed by the Appellant. *Vide* Order dated 23.05.2025, the application was dismissed with liberty to the Ex-Management to approach the OL and submit the requisite documents, in case, they feel that there are no outstanding dues. It was also observed that, under the garb of review, the appointment of PL is being challenged.

13. Being aggrieved by the Orders dated 11.11.2024 and 23.05.2025, the present appeal was filed.

14. Learned counsel representing the Appellant has made the following submissions:-

(i) The OL has failed to inform the exact amount payable by the Company. The claims in the Report are unsupported by documentation, and disputed claims are understated.

(ii) While referring to the chart prepared by the Chartered Accountant, it has been submitted that certain claims have not been properly filed or verified.

(iii) Further reference has been made to the Appellant's letter dated 12.07.2024, and contended that the letter did not confirm or admit any liabilities; rather, it pointed out discrepancies and deficiencies in the interim report.

15. This Court has duly considered the submissions made on behalf of the Parties. The learned Single Judge, through the impugned order dated 11.11.2024, permitted the Ex-Management to help the OL in paying the amount of debt due. It be noticed here that the winding up



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proceedings were initiated more than 27 years ago, and the learned Company Judge has already granted sufficient opportunity to the Ex-Management to pay off the recoverable amount.

16. At the cost of repetition, the Respondent Company has confirmed the debt of Rs. Rs.1,54,00,000/-. Therefore, the Appellant cannot claim that Rs. 50,00,000/- deposited in the year 2018 is sufficient to pay off its confirmed debts. The report of the OL and the submissions made also clarify that a substantial debt remains. It is imperative at this stage that the winding-up process be resumed and proceeded forthwith towards conclusion.

17. Hence, this Court does not find it appropriate to interfere with the impugned orders. However, if the Appellant shows his *bona fide* and expedites repayment of the debt, they shall have liberty to apply for recall/review.

18. Accordingly, for the reasons stated hereinabove, the present Appeal, along with application, stands dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 06, 2025/sp/hr/er