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

+ CO.PET. 739/2016 & CO.APPL. 3073/2016, CO.APPL. 3074/2016, CO.APPL. 104/2018, CO.APPL. 582/2019
FREEDOM PARK LIFE APARTMENT OWNERS
ASSOCIATIONPetitioner

Through: Mr. Siddharth Sharma, Ms. Ishika
Chauhan, Advocates.

versus

BUSINESS PARK MAINTENANCE
SERVICES PRIVATE LIMITEDRespondent

Through: Mr. Ninad Dogra, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.11.2025

1. This is a petition instituted under the Companies Act, 1956, for winding up of the company, being *Business Park Maintenance Services Private Limited*.
2. In view of the establishment of the National Company Law Tribunal ["the Tribunal"], the petitioner seeks transfer of this petition to the Tribunal in terms of Notification No. GSR1119E dated 07.12.2016, and the judgment of the Supreme Court in *Action Ispat & Power (P) Ltd. v. Shyam Metalics & Energy Ltd.*, [(2021) 2 SCC 641].
3. The only objection to transfer of the petition to the Tribunal urged on behalf of the respondent-Company is that, the petition itself is not maintainable at the instance of the present petitioner.



4. I am informed that the respondent-Company had filed CO.APPL. 104/2018 for dismissal of the winding up petition on the ground that the petitioner has no *locus*.
5. Having heard learned counsel for the parties, I am of the view that the question of maintainability and *locus* can also be decided by the Tribunal. The fact that a respondent contests maintainability of a petition does not *per se* preclude an order of transfer, subject to the Tribunal's decision on this aspect also.
6. As this is the only objection as far as transfer is concerned, the petition, alongwith pending applications, is transferred to the Tribunal reserving all rights and contentions of the parties, to be agitated before the Tribunal, in accordance with law.
7. The petition, alongwith pending applications, is disposed of from the Board of this Court.
8. The parties will appear before the Tribunal, Delhi Bench, on 15.12.2025.
9. Records be transferred to the Registrar of the Tribunal, Delhi Bench.

PRATEEK JALAN, J

NOVEMBER 21, 2025

"Bhupi"/AD/