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

+ **CO.PET. 539/1998**

M/S TATA IRON & STEEL CO. LTD.

..... Petitioner

Through:

versus

M/S JHALANI TOOLS INDIA LTD

..... Respondent

Through: Ms. Ruchi Sindhwani, Senior Standing Counsel with Ms. Megha Bharara, Advocate for OL.
Mr. Dhruv Wadhwa, Advocate for Applicant in CO. APPL. 628/2022.
Mr. A. K. Kohli and Mr. Ankush Sharma, Advocates for Applicant in CO. APPL. 174/2018.
Mr. Aman Vachher, Mr. Ashutosh Dubey, Mr. Abhishek Chauhan and Mr. Dhiraj Kumar, Advocates.
Mr. Ashutosh Prakash, Counsel for Secured Creditors.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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10.01.2023

CO. APPL. 174/2018 (under Sections 531A, 536(2) and 537(1)(b) of Companies Act, 1956 r/w Rule 9 of Companies Court Rules, 1959 for clarification/declaration)

1. Counsel appearing for non-Applicant No. 16 states that *vide* order dated 08th May, 2012, this Court had directed Appellant to approach Civil Court. Civil Court proceedings, though initiated by Applicant, were rejected,



and subsequently partly allowed in their favour in appeal *vide* judgment dated 30th May, 2022, passed by the Court of Additional District Judge, Faridabad. He submits that non-Applicants have challenged the said order, but nonetheless, the present application is not maintainable in light of the order dated 08th May, 2012.

2. Let copy of the judgment dated 30th May, 2022, passed by the Court of Additional District Judge, Faridabad be placed on record and served upon the other side, before the next date of hearing.

3. Considering that there is no appearance on behalf of Applicant, re-notify on 28th February, 2023.

CO.APPL. 628/2022 (under Rules 6 and 9 of Company Court Rules, 1959 seeking release of sum of Rs. 12,01,490/- to the Applicant against outstanding bills raised for the period between July, 2021 and June 2022)

4. Ms. Ruchi Sindhvani, Senior Standing Counsel for Official Liquidator, seeks and is granted two weeks' time to file reply to the present application. Rejoinder thereto, if any, be filed within a period of one week thereafter.

5. Re-notify on 28th February, 2023.

SANJEEV NARULA, J

JANUARY 10, 2023

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