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

+ CO.PET. 36/2013, CO.APPL. 520/2017, OLR 188/2019,
CO.APPL. 128/2020, CO.APPL. 342/2021, CO.APPL. 687/2023,
OLR 29/2024, OLR 138/2024, OLR 15/2025 & CO.APPL. 759 &
760/2025

RE- M/S CATMOSS RETAIL PVT. LTD.

.....Petitioner

versus

....

.....Respondent

+ CRL.O.(CO.) 9/2014

M/S CATMOSS RETAIL PVT.LTD.

.....Petitioner

versus

ASHA RANI & ORS.

.....Respondents

Appearance:

Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Mr. Mukesh Tiwari, Ms. Poonam Shukla and Ms. Reba Jena Mishra, Advocates for SFIO in Item No.5.

Mr. Manik Dogra, Sr. Advocate with Mr. Sandeep Das, Mr. Sonam Goswami and Mr. Tejasvi Mahajan, Advocates for applicants in CO APPL. 487/2025 and 488/2025.

Mr. Shivanath, Advocate in CO APPL. 687/2023.

Ms. Priyadarshini Dewan, Mr. Himanshu Singhal and Ms. Niti Khanna, Advocates for applicant in CO APPL. 58/2024.

Mr. Abhishek Maratha, SC for Official Liquidator.

Mr. Dhruv Wadhwa, Advocate for applicant in CO APPL. 968/2024.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.12.2025

CO APPL. 487/2025 in CO.PET. 36/2013 and CO. APPL. 488/2025 in



CO.PET. 36/2013

1. These applications have been filed by Directors of the Company (in liquidation), seeking stay of certain proceedings which have been instituted against them under Sections 138 and 141 of the Negotiable Instruments Act, 1881. Mr. Manik Dogra, learned Senior Counsel for the applicants, states that the applicants are Non-Executive Directors.
2. The proceedings, as enumerated in paragraph 6 of the applications, have been kept in abeyance by an interim order dated 25.08.2025, which was subsequently rectified on 22.09.2025. The effect of the rectification order dated 22.09.2025 is that the applications remain pending.
3. Mr. Dogra submits that, in view of the fact that the complaints were all instituted after the provisional liquidator was appointed, prior leave of the Court, as required under Section 446 of the Companies Act, 1956, ought to have been obtained. He also seeks an order transferring the complaints to this Court.
4. The applications concern a number of complaints instituted by six different complainants. The complainants have not yet been formally issued notice of these applications. As the order sought by the applicants would undoubtedly affect them, I am of the view that they should also be issued notice. Notice be served upon all the complainants by all permissible modes, as also through counsel appearing on their behalf in the complaint cases.
5. The complainants are at liberty to file affidavits in response to these applications within four weeks after service.
6. In the meanwhile, interim order dated 25.08.2025 shall continue.
7. List on 23.03.2026.



CO.APPL. 968/2024 in CO.PET. 36/2013

1. This application has been filed by a security agency, P.S. Security Services Pvt. Ltd., for release of dues for providing security services for the period from December 2017 to June 2020. In the reply filed by the Official Liquidator [“OL”], it is accepted that the applicant provided security services at two locations of the Company (in liquidation). The claims have been admitted after verification by the Chartered Accountant for the sum of Rs. 17,89,632/-.

2. It is stated by the OL that, by a general order dated 28.05.2024, passed in various applications filed by the OL, the Court had directed payment to the security agencies where the funds were available. However, where funds were not available, the OL was required to make an application to the Court for disbursement from the Common Pool Fund.

3. In the present case, the reply of the OL states as follows:

“8. It is humbly submitted that at present, the funds in the account of the Company have depleted and the Official Liquidator does not have adequate funds to pay the due amount payable to the Applicant Company. While the due amount payable to the applicant is a verified claim, however due to insufficient funds in the Company’s account the said transaction cannot be executed. Therefore, this Hon’ble Court vide order dated 28 May 2024 directed payment only in cases of companies where funds were available and payment to Applicant Company was not directed by this Court.

9. The Hon’ble Court was pleased to order on 01/02/2025, to file a separate application whenever funds are not available in the respective company. A Copy of order dated 01/02/2025 is annexed herewith as Annexure-C.

10. The P.S.Security Services guarded the moveable property of this company from Dec.2017 to June, 2020 and the security services are now removed as the movable assts were sold by the Official Liquidator.



11. *The Hon'ble Court may pass appropriate action to pay the security dues of Rs.17,89,632/- from the Common Pool Fund as prayed by the Applicant as there is no security guards for this Company as on date.*

12. *The present reply is being filed bona fide and in the interest of justice."*

4. In view of the above, the application is disposed of with the direction that the OL may pay the sum of Rs. 17,89,632/- to the applicant from the Common Pool Fund.

CO.APPL. 341/2025 in CO.PET. 36/2013

1. Issue notice to the OL and to Ms. Ashwani Chawla, Ex-Director, who had filed CO. APPL. 58/2024, which was disposed of by judgment dated 07.02.2024.

2. Mr. Abhishek Maratha, learned Standing Counsel, accepts notice on behalf of the OL. Ms. Priyadarshini Dewan, learned counsel, accepts notice on behalf of Mr. Ashwani Chawla.

3. Replies to the application be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.

4. List on 23.03.2026.

CO.PET. 36/2013

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List on 23.03.2026.

PRATEEK JALAN, J

DECEMBER 10, 2025

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