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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 20/2020, I.A. 12075/2023 & I.A. 22661/2023**

T R ANAND PROPERTY CONSULTING PRIVATE LIMITED

.....Plaintiff

Through: Mr. Siddharth Yadav, Sr. Adv. with
Mr. Wasim Ashraf, Adv.

versus

AJS BUILDERS & ANR.

.....Defendants

Through: Mr. Deepak Vohra, Mr. Abhinav
Agnihotri, Mr. Vinay Kumar Dubey,
Mr. Saurabh Singh and Mr. Vishal
Kumar Malhotra, Advs. for D-2
Ms. Sthavi Asthana, Adv. for
applicant Ghaziabad Development
Authority in I.A. 12075/2023

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
13.09.2024

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CS (OS) 20/2020

1. The learned senior counsel appearing on behalf of the plaintiff submits that the defendant no. 2 has filed an application i.e. I.A. 22660/2023 under Order IX Rule 7 read with Section 151 CPC seeking setting aside of order dated 06.04.2023 whereby the defendant no. 1, as well as, defendant no. 2 were proceeded against *ex parte*.
2. He submits that in the application it has been alleged that few investors



of the defendant no. 1 company filed a petition No. 17/2024 under Section 433, 434 and 439 of the Companies Act, 1956 in which the order was passed by the Hon'ble High Court of Judicature at Allahabad on 08.05.2018, whereby the defendant no. 1 company was directed to be wound up.

3. He submits that the winding up proceedings are still pending before the High Court.

4. He further submits that in view of the provisions of Section 446 of the Companies Act, 1956 now the plaintiff will have to seek leave of the High Court to proceed with the present suit.

5. He, therefore, prays to re-notify the matter to enable the plaintiff to do the needful.

6. In view of the above, re-notify on 17.01.2025.

I.A. 22660/2023 (filed by defendant no. 2 under Order IX Rule 7 read with Section 151 CPC)

7. Re-notify on 17.01.2025.

VIKAS MAHAJAN, J

SEPTEMBER 13, 2024

N.S. ASWAL