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

+ **CRL.M.C. 3421/2025**

OM LOGISTICS LIMITED

.....Petitioner

Through: Mr. Arun Aggarwal and Mr.
Vinay Kumar, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP
for State.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **16.05.2025**

CRL.M.A. 15099/2025 (Exemption)

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

CRL.M.A. 15100/2025

3. The present application has been filed by the petitioner seeking condonation of delay of 17 days in re-filing the petition.
4. For the reasons stated in the application, the delay of 17 days in re-filing the petition is condoned.
5. The application stands disposed of.

CRL.M.C. 3421/2025

6. This is a fresh petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed by the petitioner assailing the Order dated 28.03.2024 passed by the learned Metropolitan Magistrate, Tis Hazari Court, Delhi whereby the proceedings against

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respondent no. 8 namely Kannan Selva Rai have been stayed in the Complaint Case 7981/2016 under Section 138 of the Negotiable Instruments Act, 1881 till moratorium is in operation.

7. At the outset, the learned counsel for the petitioner submits that though one Sh. Waryam Singh Kahlon has been arrayed as respondent no. 6 before this Court, however, his name stands deleted in the complaint filed under Section 138 of the NI Act from the list of respondents. Thus, his name be also deleted from the present petition.

8. In view of the above, the name of Sh. Varyam Singh stands deleted from the array of parties in the present petition.

9. The learned counsel submits that on 23.03.2023, the respondent no. 8 had filed an application under Section 96 of the IBC, 2016 for stay of the proceedings under Section 138 of the NI Act against him on the ground that moratorium under Section 14 of the IBC has been declared by the learned NCLT in the matter of “**Mr. Tarun Khanna Vs. Deltronix India Limited**” in petition bearing No. IB/2963(ND)/2019 against the respondent no. 2/Company.

10. The learned counsel submits that the learned Trial Court erred in allowing the said application and stayed the proceedings against respondent no. 8.

11. Upon the petitioner taking necessary steps, issue notice to the respondents through all permissible modes, returnable for 20.08.2025.

SHALINDER KAUR, J

MAY 16, 2025/SU/SG

Click here to check corrigendum, if any

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