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

+ CRL.M.C. 4744/2019 & CRL.M.A. 36289/2019

SANJEEV AGARWAL & ANR.

.....Petitioners

Through: Mr. Kishan Nautiyal, Advocate

versus

M/S PREM DOHIL SADAN MANAGEMENT CO. PVT. LTD.

.....Respondent

Through: Mr. Rajesh Manchanda, Ms. Sakshi
Sharma, Ms. Somya Narula, Mr.
Deepanshu Bharti, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.08.2025

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1. Counsel for the Petitioner places reliance on the judgment of this Court in *M.L. Gupta & Anr. v. CEAT Financial Services Ltd.*¹ to argue that once the Provisional Liquidator was appointed prior to the dishonour of the cheque, the impugned proceedings under Section 138 of the Negotiable Instruments Act, 1881 are not sustainable.

2. In response, the attention of this Court has been invited to order dated 12th February, 2014 passed by this Court, whereby while appointing the Official Liquidator, it was specifically directed that the directors of the Surya Vinayak Industries Limited shall continue to operate the bank accounts and furnish a weekly statement as to the receipts and payments to the Official Liquidator.



3. In such circumstances, it is argued by the Respondents that the directors of Surya Vinayak Industries Limited cannot be absolved of the liability, merely because of the appointment of Official Liquidator.
4. In light of the above, counsel for the Petitioner seeks a short adjournment to examine the legal position and cite case law on this issue on the next date of hearing.
5. Re-notify on 18th September, 2025.

SANJEEV NARULA, J

AUGUST 8, 2025/ab

¹ (2007) DLT 308