



\$~16 (Company)

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

+ **CO.PET. 452/2013**

M/S ARCHON INFRASTRUCTURE INDIA PV LTD

..... Petitioner

Through:

versus

M/S SMART IDENTITY DEVICE PVT LTD & ORS

..... Respondents

Through: Mr.Siddharth Mullick, proxy counsel
for Mr.Rishi Manchanda, Standing
counsel for the OL.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

02.08.2022

%

CO.APPL. 454/2022

1. This application has been filed by the Official Liquidator praying for the following reliefs:-

“i) Permit the Official Liquidator to hand over the possession of the moveable assets of the Company (In Prov. Liqn.) lying at the basement of Tower-B, Polyplex Complex, B-37, Sector-1, Noida, District Gautam Budh Nagar, Uttar Pradesh to the highest bidder, M/s. Siraj Traders;

ii) Permit the Official Liquidator to hand over the possession of the basement of Tower B, Polyplex Complex, B-37, Sector-1, Noida, Uttar Pradesh to M/s. Polyplex Corporation Ltd;

iii) Permit the Official Liquidator to shift the records of the Company (In Prov. Liqn.) lying at the basement of Tower-B, Polyplex Complex, B-37, Sector-1, Noida, District Gautam Budh Nagar, Uttar Pradesh to record room of the Official Liquidator at South Block, New Block;

iv) Direct Mr. Nirmal Prakash, Ex-Director of the



Company (In Prov. Liqn.) to appear before the Official Liquidator for recording his statement under Rule 130 of the Companies (Court) Rules 1959;"

2. It is stated that pursuant to the order dated 28.03.2022 permitting the Official Liquidator to sell the movable assets of the Company (in Provisional Liquidation), lying at the basement of Tower-B, Polyplex Complex, B-37, Sector-1, Noida, District Gautam Budh Nagar, Uttar Pradesh, the Official Liquidator published the Sale Notice on its website as also on the website of High Court and by the distribution of handbills. The reserve price of these assets was fixed as Rs. 2,65,200/-. Two bids were received, out of which, the bid of M/s Siraj Traders for a sum of Rs. 2,80,000/- was found to be the highest. M/s Siraj Traders has already deposited the said amount by way of a demand draft with the Official Liquidator. The demand draft furnished by the other bidder - M/s Polyplex Corporation Limited has also been returned by the Official Liquidator on 27.05.2022.

3. In view of the above averments, the Official Liquidator is permitted to hand over the possession of the moveable assets of the Company lying at the above premises to M/s Siraj Traders. The Official Liquidator is also permitted to hand over the possession of the basement of the above premises to M/s Polyplex Complex Corporation Limited, the landlord of the premises. The records of the Company (in Provisional Liquidation) lying at the basement of Tower-B, Polyplex Complex, B-37, Sector-1, Noida, District Gautam Budh Nagar, Uttar Pradesh be shifted to the Record Room of the Official Liquidator at South Block, New Delhi.



4. In the application it is further asserted that in spite of notices issued to Mr. Nirmal Prakash, Ex-Director of the Company (in Provisional Liquidation), he has not appeared before the Official Liquidator for recording his statement.
5. Accordingly, a direction is issued to Mr. Nirmal Prakash to appear before the Official Liquidator for recording his statement under Rule 130 of the Companies (Court) Rules, 1959. Notice for his appearance be issued by the Official Liquidator along with the copy of this order.
6. The application is disposed of.

NAVIN CHAWLA, J

AUGUST 2, 2022/rv