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

+ CONT.CAS(C) 790/2016 & CM APPL. 28886/2016. CM APPL.45239/2018, CM APPL.51810/2018

M/S AGARPARA COMPANY LIMITED

.....Petitioner

Through: Mr Rudra Pratap, Ms. SadpurnaMukherjee and Ms. Indrani Mukherjee, Advocates.

versus

GHANSHYAM SARDA&ORS

..... Respondents

Through: Mr. Ashok Jain, Advocate for R-1.
Mr. Atanu Mukherejee, Advocate for R- 2 to R-6.
Mr Santosh Kumar Sahu, Advocate for Mr Sriram Parakkat, Advocate for R-13 to 20.
Ms Indirani Mukherjee, Advocate for applicant in CM 28886/2016.

+ CONT.CAS(C) 800/2016 & CM APPL.28922/2016, CM APPL. 32559/2016, CM APPL. 20853/2018, CM APPL. 20855/2018 CM APPL. 20856/2018, CM APPL. 44421/2018, CM APPL. 49038/2018, CM APPL. 51812/2018

RABINDRA KUMAR WALIA

.....Petitioner

Through: Mr Rudra Pratap, Ms. Sadapuma Mukherjee and Mr. Shakil Ahmed, Advocates

versus

GHANSHYAM SARDA & ORS

..... Respondents

Through: Mr. Ashok Jain, Advocate for R-1.
Mr. Atanu Mukherejee, Advocate for R- 2 to R-6.
Mr Santosh Kumar Sahu, Advocate



for Mr Sriram Parakkat, Advocate for
R-13 to 20.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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15.01.2021

The hearing was conducted through physical court.

1. The petitioners express their apprehension that the respondents will create third party rights apropos the assets of the company, which will be prejudicial to the interest of the company. The respondents contend that they are the owners of the company and are in lawful management of the same, and in terms of the undertaking given to this Court, they will not do anything which would prejudice the interest of the company and/or its shareholders.
2. The learned counsel for the petitioners submits that the respondents have repeatedly breached the above-referred undertaking and are patently recalcitrant in their conduct. The learned counsel for the respondents strongly refutes the same and reiterates the undertaking given to this Court, in all earnestness.
3. The learned counsel for the petitioners requests for appointment of a Local Commissioner to ascertain the status of the properties at the cost of the company. The learned counsel for the respondents seeks some time to obtain instructions, till the next date.
4. At joint request, list for arguments on 11.02.2021 at 2.30 pm.
5. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

JANUARY 15, 2021/rd