

F
W.P(Crl.)No. 431 OF 2000

ITEM No.22

Court No.10

SECTION X
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Crl.) No. 431/2000

KULDEEP MANSUKHANI

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With Appln(s). for bail)

Date : 30/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Ms.S. Janani,Adv.

For Respondent (s)

Mr.Uday Umesh Lalit,Adv.,
Mrs.C.K. Sucharita,Adv.,
Mr.P. Parmeswaran,Adv.

Mr.Sakesh Kumar,Adv.,
Mr.Uma Nath Singh,Adv.

Mr.S.S. Shinde,Adv.,
Mr.S.V. Deshpande,Adv.

Ms.Kamakshi S. Mehlwal,Adv.,
Mr.Ashok Bhan,Adv.,
Mr.D.S. Mahra,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard the learned counsel for the parties. Learned counsel appearing on behalf of the petitioner submits that at present Company Petition No.456/97 is pending before the High Court of Delhi and a Provisional Liquidator is appointed by the Court. It is her say that the creditor who has filed the Petition has filed an application for withdrawing the same as the amount which was due and payable

.PA

: -2: -

to him is paid by the petitioner. She further submits that no orders are passed on the said application for withdrawal. She contends that as the Provisional Liquidator is appointed

by the Court, petitioner is not in a position to pay the amount to the depositors/creditors and if the petitioner is permitted to dispose of/mortgage/alienate one property of the Company, i.e. N-3, Vikas Puri, New Delhi, petitioner would get sufficient amount so as to pay to all the depositors and creditors.

In this view of the matter, it would be open to the petitioner to approach the Delhi High Court for passing appropriate orders permitting him to alienate the said property on conditions which the High Court may deem appropriate and also the Court would pass appropriate orders on the application which has been filed by the creditors for withdrawal of the Company Petition as early as possible.

Interim bail to continue for a further period of 12 weeks.

Adjourned for 12 weeks.

.SP1

(Vijay Kumar Sharma)
Court Master

(K.K. Chadha)
Court Master