

## Peddi Himavanth vs Official Liquidator on 23 October, 2020

**Author: Rajiv Sahai Endlaw**

**Bench: Rajiv Sahai Endlaw, Asha Menon**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CO.APP. 14/2020

PEDDI HIMAVANTH

..... Appellant

Through: Mr. Dayan Krishnan, Sr. Adv. with  
Mr. Pradeep Chhindra, Adv.

Versus

OFFICIAL LIQUIDATOR

..... Respondent

Through: Mr. Kunal Sharma, Adv.

AND

+ CO.APP. 15/2020

SWATHY VALLERU

..... Appellant

Through: Mr. Dayan Krishnan, Sr. Adv. with  
Mr. Pradeep Chhindra, Adv.

Versus

OFFICIAL LIQUIDATOR

..... Respondent

Through: Mr. Kunal Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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23.10.2020

[VIA VIDEO CONFERENCING]

CMs No.27434/2020 & 27435/2020 in CO.APP. No.14/2020 & CMs No.27468/2020 & 27469/2020 in CO.APP. No.15/2020 (all for exemption)

1. Allowed, subject to just exceptions and as per extant rules.

2. The applications are disposed of.

CO.APP. No.14/2020 & CM No.27433/2020 (for maintenance of status quo) & CO.APP. No.15/2020 & CM No.27467/2020 (for maintenance of status quo)

3. The appellants are aggrieved from their applications being Company Application No.592/2020 and Company Application No.594/2020 in C.P. No. 265/1998, pertaining to JVG Finance Limited, owing to paucity of time, having not been able to be taken up by the Company Judge on 8th, 12th and 13th October, 2020 and being renotified for 2nd November, 2020, owing to Court holidays in the interregnum.

4. Company Application No.592/2020 and Company Application No.594/2020 in C.P. No. 265/1998 have been filed by the appellants to seek modification of the order dated 23rd May, 2019 directing fencing of the land situated at JVG Hills Layout, Survey Nos.94, 95, 96, 97 and 189(P), Kondapur Village, Serilingampally Mandal, Ranga Reddy District, Telangana and permitting sealing of any encroachment on the said land.

5. It is the case of the appellants/applicants that their land situated at Plots No.D-209 and D-208 respectively in Survey No.94, 96 and 97, Kondapur Village, Serilingampally Mandal, Ranga Reddy District, Telangana was never of the company in liquidation and has not been acquired by the appellants/applicants from the company in liquidation and is not the property of the company in liquidation and is wrongfully threatened to be fenced and taken possession of. The reason for filing these appeals is, the fear and apprehension that owing to the Court holidays in the interregnum, the land of the appellants/applicants may be fenced, depriving the appellants/applicants of access thereto.

6. None appeared for the respondent Official Liquidator (OL) on first call in the morning.

7. Since the matters are already posted before the Company Judge on 2 nd November, 2020, the only contention of the senior counsel for the appellants/applicants in the morning was of protection thereof in the interregnum.

8. We thus passed over the matters and requested the counsel for the appellants/applicants to telephonically convey to the counsel for the respondent OL and Mr. Lorren Bamniyal, Registrar of this Court, whose Committee was constituted by the Company Judge and who has submitted a report dated 3rd June, 2019 and on whose report the senior counsel for the appellants/applicants placed reliance, as applying to the land of the appellants/applicants also.

9. On passover, Mr. Kunal Sharma, counsel for the respondent OL has appeared and on enquiry states that the team which had gone for fencing of the land has, for the time being, returned to Delhi but has not yet submitted its report and he is thus unable to state, whether the land of the appellants/applicants has been fenced and/or taken possession of as yet. It is stated that the team is expected to go back to resume the work of fencing/taking over possession of the land after some time.

10. The senior counsel for the appellants/applicants, on enquiry, under instructions, states that the land of the appellants/applicants has not been taken possession of and has not been fenced as yet and though is lying vacant but the appellants/applicants have free egress and ingress thereto as of now.

11. During the hearing it has also been informed that the appellants/applicants have made their claim before the Committee chaired by Mr. Lorren Bamniyal and no order has been made thereon; the senior counsel for the appellants/applicants however states that the general observation at the end of the report dated 3 rd June, 2019 already submitted by the said Committee apply to the appellants/applicants also.

12. Though the presence of Mr. Lorren Bamniyal was also requested on passover but we are informed that he is ailing and is unable to appear. We however request Mr. Lorren Bamniyal to at the earliest possible convenience, either through physical hearing or virtual hearing, consider the claim of the appellants/applicants and pass specific orders thereon.

13. The appeals are disposed of, restraining the respondent OL and/or its representatives, if have not already taken possession of and/or fenced the land/plots of the appellants/applicants, from taking over possession of and/or fencing the land of the appellants/applicants being Plots No.D-209 and D- 208 respectively in Survey No.94, 96 and 97 situated at Kondapur Village, Serilingampally Mandal, Ranga Reddy District, Telangana, till consideration of the applications of the appellants/applicants by the Company Judge.

14. The counsel for the respondent OL states that the aforesaid order may not come in the way of the security personnel posted by the respondent OL from securing the land of the Company in liquidation.

15. It is clarified that the security personnel posted by the respondent OL may secure the land without however interfering with the egress and ingress only of the appellants/applicants to the said land.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

OCTOBER 23, 2020 'bs'..