

Sunil Gandhi & Anr vs M/S A.N. Buildwell Pvt. Ltd on 2 September, 2020

Author: C. Hari Shankar

Bench: C. Hari Shankar

\$~2 (Company matter)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CO.Appl.365/2020,Co.Appls.405-06/2020,Co.Appls.436/2020
Co.Appls.437-38/2020, Co.Appls.463-64/2020, Co.Appls.515/2020 in CO.PET. 6/2019

SUNIL GANDHI & ANR.

..... Petitioner

Through: Mr. Jaisurya Jain, Adv. for
Petitioner No. 1

Mr. Maninder Singh, Mr. Vikrant
Panchnanda, Ms. Smriti Asmit and Mr.
Aarush Bhatia, Advs. for Petitioner No. 2

versus

M/S A.N. BUILDWELL PVT. LTD.

..... Respondent

Through: Mr. Kunal Sharma, Adv. for
Official Liquidator

Mr. Prashant Bhushan, Sr. Adv. with M
Puja Jain, Adv. for Mrs. Nayantara Pr
and Ms. Renuka Kulkarni (investors) i
SELF C

Mr. Shlok Chandra, Ms. Mansie Jain an
Mr. Chandratana Chaudhary, Adv. for
applicant in CA 365/2020

Mr. Laksh Khanna, Adv. for Investors-
Vikas Sethi, Mr. Vijay S Pandey and M
Kapil Kanwar Gupta

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR
ORDER

%

02.09.2020

(Video-Conferencing)

C.A. 405/2020 and C.A. 437/2020 in CO.PET. 6/2019

1. Exemptions allowed, subject to all just exceptions.

2. The applications stand disposed of.

C.A. 438/2020 in CO.PET. 6/2019

1. Subject to deficiencies being removed within 24 hours of resumption of normal court work, exemption, as sought, is granted for the present.
2. The application stands disposed of.

C.A. 464/2020 & C.A. 406/2020 in CO.PET. 6/2019

1. Subject to duly notarised affidavit being filed and deficient court fees, as well as welfare fees, being paid within 24 hours of resumption of normal court work, exemption, as sought, is granted for the present.
2. The applications stand disposed of.

C.A. 365/2020, C.A. 436/2020, C.A. 463/2020, C.A. Nos. 513-

1. Reply, to C.A. 365/2020, has been filed by Mr. Vijay Shankar Pandey and M/s Spire Edge Maintenance Lease and Facilitation Ltd (hereinafter referred to as "SELFC").
2. It appears that there is no other reply filed by any other party to C.A. 365/2020.
3. The reply, of Mr. Vijay Shankar Pandey, is accompanied by C.A. 384/2020, and has, accordingly, been placed in a separate folder.
4. Similarly, the reply filed by SELFC is accompanied by C.A. 405/2020 and C.A. 406/2020 and has, therefore, been placed in a separate folder.
5. Multiplication of folders in this fashion has made it impossible for this Court to negotiate through the documents, and results in considerable delay in dealing with the matter.
6. The Registry is directed to ensure that replies, to applications filed in Company Petitions are placed in the same folder as the applications, along with the applications for exemptions etc, if filed therewith. Strict compliance with this directive has to be ensured.
7. A rejoinder has also been filed, by Petitioner No. 2 to the reply of SELFC, along with C.A. 515/2020, filed therewith for exemption from filing a notarised affidavit. This, too, is placed in a separate folder, instead of being placed in the folder of CA 365/2020.
8. C.A. 515/2020 is allowed, subject to all just exceptions and is accordingly disposed of.
9. The rejoinder, accompanied by the said application, is taken on record.

10. Mr. Vikrant Pachnanda, learned counsel appearing for the Petitioner No.2, submits that he has also filed a rejoinder to the reply filed by Mr. Vijay Shankar Pandey. However, the said rejoinder is not on record.

11. Mr. Pachnanda is directed to coordinate with the Registry and ensure that the rejoinder is, positively, placed on record before the next date of hearing.

12. Mr. Jaisurya Jain, learned counsel appearing for Petitioner No.1, submits that he is adopting the stand of Petitioner No.2 and does not, therefore, seek to file any separate pleadings.

13. As such, subject to the rejoinder, filed by the Petitioner No. 2, to the reply of Mr. Vijay Shankar Pandey, being brought on record, the pleadings in these applications are complete.

14. In the meanwhile, SELFC has also filed C.A. 436/2020, seeking recall of the order dated 17th February, 2020, and, in default of the petitioners complying with the directions contained in the said order, strictly within the time bound frame, recall of the Revival Scheme, as approved by the said order, as well.

15. Issue notice on C.A. 436/2020 to the petitioners, who may file a reply thereto, within a period of two weeks, with advance copy to learned counsel for the applicant-SELFC, who may file rejoinder thereto, if any, within one week thereof.

16. Notice is accepted by Mr. Jaisurya Jain, Adv. for Petitioner No. 1 and, Mr. Vikrant Pachnanda on behalf of for Petitioner No. 2

17. List C.A. 436/2020 alongwith C.A. 365/2020, C.A. 436/2020, C.A. 513/2020 and C.A. 514/2020, for hearing and disposal on 9th October, 2020.

18. In case the pleadings, as directed hereinabove, are not filed and placed on record, within the timelines stated hereinabove, they would not be taken on record and the right to file pleadings would stand forfeited.

C. HARI SHANKAR, J.

SEPTEMBER 2, 2020 dsn