



2024:DHC:10104



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

% *Date of decision: 27th December, 2024*

+ **W.P.(C) 18027/2024 & CM APPLs. 76656-76657/2024**

MR. LALIT SANDUJAPetitioner

Through: Mr. Akhil Shankhwar, Mr. Raunak Sutpathy and Mr. Vishwajeet Pandey, Advocates.

versus

MR. VIKAS MITTAL & ORS.Respondents

Through: Mr. S.K.Verma, IRP along with CMA SK Bhatt and CMA Kamal Deep Tyagi for R-55.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. The Writ Petition under Article 226 and 227 of the Constitution of India has been filed for directing Respondent No.56 to hear the Company Appeal filed by the Petitioner *vide* Filing No.9910136/13899/2024 against the Order dated 19.12.2024 by the Adjudicating Authority and to grant an *ex-parte* stay of the Order dated 19.12.2024.

2. It is submitted on behalf of the Petitioner that the NCLAT is on vacation and there is no Vacation Bench which has been constituted. The Interim Resolution Professional has been appointed who are already in the process of taking over the properties of the Company and if they are successful in doing so, the right of Appeal of the



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Petitioner shall be defeated. The urgency is, therefore, pleaded for requisite directions to be issued.

3. Learned counsel on behalf of Respondent No.55 submits that Insolvency Resolution Professional has already issued Notice and the properties of the Company are in the process of being taken over. Moreover, the NCLAT which is on vacation, would commence its functioning from 02.01.2025. The impugned Order is of 19.12.2024 and there is no urgency for issuing of directions as prayed for.

4. Learned counsel for the Petitioner, at this stage, seeks liberty to mention the matter before the learned Registrar, NCLAT for listing the matter this week, during the vacations.

5. Submissions Heard.

6. Liberty is granted to learned counsel on behalf of the Petitioner to mention the matter before the learned Registrar, NCLAT for listing of the Appeal during the winter vacations. It is open to the learned Registrar to take a decision on listing of the Appeal, in accordance with the procedure prescribed, in case the Petitioner mentions the matter.

7. No further orders are required to be passed in the present writ petition and the same is disposed of with the above observations. Pending application also stands disposed of.

**(NEENA BANSAL KRISHNA)
(VACATION JUDGE)**

DECEMBER 27, 2024



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Signature Not Verified

Digitally Signed
By: VIKAS AKORA
Signing Date: 27.12.2024
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