



2025:DHC:6941



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

% ***Date of Decision: 01.08.2025***

+ CO.A(SB) 5/2024

ISHWAR SINGH

.....Appellant

Through: Mr. Uddhav Pratap, Advocate.

versus

OFFICIAL LIQUIDATOR

.....Respondent

Through: Ms. Ruchi Sindhwani, Sr. Standing  
Counsel with Ms. Megha Bharara,  
Advocate for OL.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**TARA VITASTA GANJU, J.: (Oral)**

**CO.APPL. 748/2024 [Exemption from filing certified copies]**

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

**CO.APPL. 749/2024 [Delay in filing Appeal]**

3. This is an Application seeking condonation of delay of 377 days in filing the present Appeal.

4. Learned Counsel for the Official Liquidator submits that she has no objection if the prayers in the present Application are allowed and the delay is condoned.

5. The Application stands disposed of.

**CO.APPL. 177/2025 [Delay in filing Reply to Appeal]**

6. This is an Application seeking condonation of delay of 61 days in



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filing the Reply to the Appeal.

7. Learned Counsel for the Official Liquidator submits that she has no objection if the prayers in the present Application are allowed and the delay is condoned.

8. The Application stands disposed of.

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9. The present Appeal has been filed under Rule 164 read with Rule 9 of the Company (Court) Rules, 1959 seeking to challenge a communication dated 04.07.2023 issued by the learned Official Liquidator wherein the Official Liquidator has required the Appellant/Applicant to produce original documents in support of his claim [hereinafter referred to as “Impugned Communication”].

10. Learned Counsel for the Appellant submits that the challenge in the present Appeal is on account of the fact that the original documents were reproduced and misplaced by the Official Liquidator. Learned Counsel for the Official Liquidator, on the other hand, submits that the claim of the Appellant cannot be decided in the absence of original documents. It is contended that if the Appellant produces the original documents even today, the examine of the Appellant will be examined.

11. It is the case of the Appellant that he had entered into a plot buyer’s agreement with M/s Vian Infrastructures Ltd. [hereinafter referred to as “Company”] on 23.12.2007, paying Rs 4,40,400/- towards a plot in the proposed ‘Vian City Neemrana’ township in Neemrana, Alwar, Rajasthan. Subsequently, Liquidation Proceedings were initiated against the Company



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in Company Petition No. 178/2012 captioned ***Panka Paliwal v. M/s Vian Infrastructure Ltd. & Ors.*** The Appellant filed his claim along with an application for condonation of delay. On 11.08.2017, the Coordinate Bench of the Court permitted the filing of the claim by the Appellant within four weeks, after which the Appellant submitted an affidavit claiming his principal and interest, along with original payment receipts.

11.1 The Appellant's claim was rejected by the Official Liquidator by the Impugned Communication due to non-production of original documents. Thereafter, the Appellant submitted his reply on 31.08.2023 reiterating that that the original documents had already been submitted.

12. The record reflects that the claim of the Appellant is based on a plot buyers agreement dated 23.12.2007 with the Company for the purchase of a plot No. 89, Block F, admeasuring 120 sq yards in 'Vian City Neemrana', Alwar, Rajasthan [hereinafter referred to as "subject property"]. Since the Company went into liquidation, the Appellant has filed a claim for return of a sum of Rs.4,40,400/- as principal amount paid for purchase of the subject property and Rs.2,21,633/- as interest.

12.1 Learned Counsel for the Appellant submits that he does not have any original documents with him at present as these were already filed with the office of the Official Liquidator with his Claim Petition. He, however, submits that he may be permitted to rely upon document copies that are now available.

13. Learned Counsel for the Official Liquidator submits that in the absence of the original documents, the office of the Official Liquidator is unable to entertain any claim of the Appellant. In the event the Appellant is



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able to produce any original documents within four weeks from today, the claim of the Appellant will be examined in accordance with law.

14. As stated above, it is the case of the Appellant that the Appellant filed his claim affidavit with the Respondent on 28.08.2017 and along with the claim, all the requisite original documents were handed over by the Appellant on 28.08.2017 and only photocopies of the originals were kept with him. The Appellant has thus contended that the documents of the Appellant have been misplaced by the Respondent. The Appellant has also filed a copy of the plot-buyers agreement which was executed between him and the representative of the Company, which forms part of the record. The Appellant has set out in the claim that he has attached 11 payment receipts and a summary sheet along with the claim.

15 In view of the fact that the Appellant has stated that he has available with him photocopies of the receipts as well as the plot-buyers agreement, the Appellant may produce the same along with an appropriate affidavit and any details or documents in support of his contentions that the payments were made to the Respondent/Company.

16. Learned Counsel for the Appellant submits that he will be taking appropriate steps in this behalf. Let the needful be done by the Appellant within six weeks from today.

17. In the event that the Appellant produces the documents, the office of the Official Liquidator shall examine the same and any documents that are available with it and shall examine the claim of the Appellant keeping in mind his contention that he is a senior citizen and that he had averred that he submitted the 11 original payment receipts with the office of the Official



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Liquidator on 28.08.2017 and pass reasoned speaking order. The Official Liquidator is at liberty to take appropriate indemnity from the Appellant, if requisite in the circumstances.

18. The Appeal is disposed of in the foregoing terms.

19. The parties shall act based on a digitally signed copy of the order.

**TARA VITASTA GANJU, J**

**AUGUST 1, 2025/pa/g.joshi**