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

+ CO.PET. 885/2015

COL. P.K. UBEROI (RETD.) & ANR. ....Petitioner

Through: Mr. Sandeep Choudhary and Ms.  
Priyanshi Sharma, Advocates.

versus

VIGNESHWARA DEVELOPWELL PVT. LTD & ORS.

.....Respondent

Through: Mr. Sumit.K.Batra, Standing Counsel  
for Official Liquidator

Mr. Jaideep Singh Sandhu & Ms.  
Meera Kaur, Advocate for Co. Appl.  
382/2024 & 439/2024.

Mr. Sandeep Choudhary and Ms.  
Priyanshi Sharma, Advocates for  
Barter Investor Association.

Mr. Bharat Gupta, Mr. Varun Tyagi,  
Mr. Vishesh Chauhan, Mr. Shivam  
Singh and Mr. Ishan Srivastava For  
Applicants in Co Appn 548/2023,  
697/2024, 743/2024, 744/2024 for  
Investors Sangharsh Samiti and  
Vigneshwara Victim Welfare  
Association.

Mr. Arun Khatri, Ms. Anoushka  
Bhalla, Advocates for R-5.

Mr. Naveen Mor, Mr. Ashwani  
Tyagi, Mr. Manjeet, Rohit, Mr. Rohit  
Drall and Mr. Jayveer Singh,  
Advocates for applicants in Co.  
Appls. 583-590/2024.

Ms. Anannya Ghosh, Ms.Mrinalini  
Mishra, Ms. Kashish Chhabra,  
Advocates for Mr. Sunil Dahiya, Ex-  
Director.



Mr. Bhabna Das & Ms. Jagriti  
Pandey, Advocates.  
Mr. Charu Aneja and Mr. Bharat  
Sethi, Advocates.  
Mr. Bharat Gupta, Mr. Varun Tyagi,  
Vishesh Chauhan,, Shivam Singh  
and Mr. Ishan Srivastava, Advocates  
for applicants.  
Mr. Shashank Bajpai, CGSC with  
Mr. Shriram Tiwary, Government  
Pleader and Ms. Stuti Karwal,  
Advocates for SFIO.  
Mr. Varun Kalra, Advocate for  
applicants in CO. APPLs.745/2024  
and 746/2024 .  
Ms. Meenakshi, Advocate for  
applicant in Co. Appls. 549/2024,  
560/2024 & 590/2024.  
Ms. Roopsee Pandita, Advocate for  
applicant-Sumit Sharma.  
Mr. Rishit Vimadalal and Mr.  
Karmanbir Singh Kharbanda,  
Advocates for applicants in Co. Appl.  
350/2024.

**CORAM:**  
**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**  
**27.08.2024**

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**CO.APPL. 3522/2015**

1. The instant application is filed seeking appointment of the Official Liquidator.
2. Learned counsel appearing on behalf of the Official Liquidator submitted that the instant application may be disposed of as Official Liquidator has already been appointed and nothing has left for adjudication.



3. On the statement made by learned counsel appearing for the Official Liquidator and keeping in view the contents made in the instant application, this Court finds that nothing has left for adjudication in the instant application.

4. Accordingly, the instant application is disposed of as infructuous.

**CO.APPL. 5048/2016**

5. The instant application has been filed seeking continuation of CS (OS) 90/2016 [suit for recovery of Rs.4232,464/- alongwith interest]

6. None appeared on behalf of the applicant.

7. Learned counsel appearing on behalf of the Official Liquidator submitted that the applicant may file a claim before the Official Liquidator as the company is already in liquidation.

8. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

9. Keeping in view the statement made by the learned counsel appearing for the Official Liquidator, the application is disposed directing that if the applicant has any claim, he is at liberty to file the same before the Official Liquidator.

**CO.APPL. 5169/2016**

10. Learned counsel appearing on behalf of the Official Liquidator submitted that since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application seeking modification/recall/stay of the order dated 22<sup>nd</sup> July, 2016 (winding up order) passed by this Court, has become infructuous.



11. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

12. The instant application is rendered infructuous and is accordingly disposed of as infructuous.

**CO.APPL. 1163/2017**

13. Learned counsel appearing on behalf of the Official Liquidator submitted that since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application seeking de-sealing of the registered office and corporate office of respondent No.1 company for inspection of documents, has become infructuous and nothing has left for further adjudication

14. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

15. The instant application is rendered infructuous and is accordingly disposed of as infructuous.

**CO.APPL. 1164/2017**

16. Learned counsel appearing on behalf of the Official Liquidator submitted that since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application seeking modification/clarification of the order dated 21<sup>st</sup> April, 2017, has become infructuous and has nothing left for further adjudication

17. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.



18. The instant application is rendered infructuous and is accordingly disposed of as infructuous.

**CO.APPLs. 1165-66/2017 (exemption)**

19. Learned counsel appearing on behalf of the Official Liquidator submitted that the captioned applications filed for exemption have become infructuous in view of the orders passed today in Co. Appls. 1163/2017 & 1164/2017 and nothing has left for further adjudication.

20. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

21. The instant applications are rendered infructuous and are accordingly disposed of as infructuous.

**CO.APPLs. 509/2017, 411/2020, 412/2020 & 413/2020**

22. Learned counsel appearing on behalf of the Official Liquidator submitted that since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant applications have become infructuous and nothing has left for further adjudication..

23. Having heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application, this Court find force in the arguments made by learned counsel appearing on behalf of the Official Liquidator.

24. The instant applications are rendered infructuous and are accordingly disposed of as infructuous.

**CO.APPL. 729/2020**

25. Learned counsel appearing on behalf of the Official Liquidator



submitted that since the scheme of arrangement and compromise have been rejected by this Court and the liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application for direction to the propounders of the scheme to appear before the Court and for recall of any extension granted to the propounders, has become infructuous and the same may be disposed of.

26. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application. This Court finds force in the arguments made by learned counsel appearing on behalf of the Official Liquidator.

27. The instant application is rendered infructuous and is accordingly disposed of as infructuous.

**CO.APPLs. 735/2020 & 209/2021**

28. Learned counsel appearing on behalf of the Official Liquidator submitted that since the amount has already been paid to the security agency, the instant applications have become infructuous and the same may be disposed of.

29. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the applications.

30. Since the amount has already been released to the security agency, the instant applications are rendered infructuous and are accordingly disposed of as infructuous.

**CO.APPL. 248/2021**

31. The instant application has been filed seeking directions to HSIIDC in relation to the scheme of arrangement and compromise.



32. Learned counsel appearing on behalf of the Official Liquidator submitted that since the scheme of arrangement and compromise have been rejected by this Court and the liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application has become infructuous and nothing has left for further adjudication. It is prayed that the application may be disposed of.

33. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

34. Since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application has become infructuous, the instant application is rendered infructuous and is accordingly disposed of as infructuous.

**CO.APPL. 275/2021**

35. The instant application has been filed seeking direction that the money (as remitted or yet to be remitted) in the Escrow Account be converted into interest bearing Fixed Deposits with a view to maximize the benefit of the concerned beneficiaries and to direct that no bank charges be applied/deducted on the Escrow Account and/or transfers made in relation to the Escrow Account.

36. Learned counsel appearing on behalf of the Official Liquidator submitted that since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application has become infructuous and the same may be disposed of.



37. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

38. Since the scheme of arrangement and compromise have been rejected by this Court and liquidator has already been appointed *vide* order dated 4<sup>th</sup> January, 2023, the instant application has become infructuous, the instant application is rendered infructuous and is accordingly disposed of as infructuous.

**CO.APPL. 382/2021**

39. The instant application is filed seeking direction to the respondent company to allot and hand over the possession of the unit measuring 2020 sq. feet, against full and final settled amount in the project Aquarius Business Park, a Cyber Park on land area 10.75 acre at village Begumpur Kahtola, Sector-74, Gurugram as per the calculations done until the year 2017, by permitting and allowing the applicant to intervene in the present proceedings.

40. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

41. Learned counsel appearing on behalf of the Official Liquidator submitted that the applicant may file a claim before the Official Liquidator, if not already filed.

42. The application is disposed of with a direction to the applicant to file appropriate claim before the Official Liquidator within four weeks, if not already filed.

**CO.APPL. 672/2021**

43. The instant application is filed seeking directions to the Jail





Superintendent to produce ex directors before Mediation Centre of this Court.

44. Learned counsel appearing on behalf of the Official Liquidator submitted that the instant application was filed by the applicant to ensure presence of the Ex-Directors at the stage when arrangement has taken place. Now, the said direction is not required as scheme of arrangement and compromise have already been rejected by this Court and liquidator has been appointed.

45. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

46. As per the application, presence of Ex-Directors was required at the time when scheme of arrangement was available and since both the scheme of arrangement and compromise have been rejected, this Court does not find any reason to keep the instant application pending.

47. The application is disposed of as infructuous.

**CO.APPL. 404/2022**

48. Learned counsel appearing on behalf of the Official Liquidator submitted that since the amount has already been paid to the security agency, the instant applications has become infructuous and the same may be disposed of.

49. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the applications.

50. Since the amount has already been released to the security agency, the instant applications is rendered infructuous and is accordingly disposed of as infructuous.



**CO.APPL. 407/2022**

51. The instant application was disposed of *vide* order dated 31<sup>st</sup> May, 2024. The Registry is directed not to list this application as the same is already disposed of.

**CO.APPL. 531/2022**

52. Learned counsel appearing on behalf of the Official Liquidator submitted that the instant application for exemption was filed alongwith Co. Appl. 530/2022, which has already been allowed, therefore, nothing has left for adjudication in the instant application.

53. Heard the learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the applications.

54. Since Co. Appl. 530/2022 has already been allowed, the instant application is rendered infructuous and disposed of as infructuous.

**CO.APPL. 679/2022**

55. Learned counsel appearing for the applicant submitted that he is not pressing the instant application at this stage and the same may be disposed of as not pressed at this stage.

55. Learned counsel for opposite side have no objection.

57. Since the applicant is not pressing the instant application, the same is dismissed as not pressed at this stage.

**CO.APPL. 845/2023**

58. The instant application for condonation of delay in filing Co. Appl. 844/2023 was disposed of *vide* order dated 23<sup>rd</sup> January, 2024.

59. The Registry is directed not to list this application as the same is already disposed of.



**CO.APPLs. 844/2023, 957/2023, 959/2023, 961/2023, 963/2023, 965/2023, 676/2023, 978/2023, 982/2023, 984/2023**

60. The instant applications have been filed for permission to file claim before the Official Liquidator.

61. Heard learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the applications.

62. For the reason stated in the applications, the applications are allowed and applicants are permitted to file appropriate claim before the Official Liquidator within four weeks.

**CO.APPLs. 455/2024**

63. The instant application has been filed for condonation of delay in filing claim before the Official Liquidator and also for permission to file appropriate claim before the Official Liquidator.

64. Heard learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the applications.

65. For the reason stated in the application, the delay in filing claim before the Official Liquidator is condoned and the applicant is allowed to file appropriate claim before the Official Liquidator within four weeks.

66. The application is disposed of.

**CO.APPLs. 456/2024**

67. Learned counsel appearing on behalf of the Official Liquidator submitted that the instant application filed for exemption has become infructuous in view of the orders passed today in Co. Appls. 455/2024 and nothing has left for further adjudication.

63. Heard the learned counsel appearing on behalf of the Official



Liquidator and perused the contents made in the application.

68. The instant application is rendered infructuous and is accordingly disposed of as infructuous.

**OLR 56/2024**

69. Learned counsel appearing on behalf of the Official Liquidator submitted that the prayers made in the instant OLR have already been allowed vide order dated 31<sup>st</sup> May, 2024 and prayed that the Registry be directed to not show the same in the cause list.

70. The Registry is directed not to show the instant OLR in the cause list as the prayers made therein are already allowed vide order dated 31<sup>st</sup> May, 2024.

**CO.APPL. 697/2024**

71. Learned counsel appearing on behalf of the applicant submitted that he is not pressing the instant application as the SFIO record has already been uploaded and he has already applied for the same.

72. The application is dismissed as not pressed.

**CO.APPL. 743/2024**

73. The instant application under Section 446 of the Companies Act read with Rule 9 of the Company Rules, 1959 has been filed on behalf of the applicants seeking following reliefs:-

*“(a) Pass an order directing Respondents no. 1 and 2 to provide all details of the pending litigations / legal proceedings with respect to the assets, which are part of Appendix B, filed by Serious Fraud Investigation Office with its report dated 30.03.2019;*

*( b ) Pass an order directing Respondent no.3 i.e. the Office of the Official Liquidator to collect details of the pending*



*litigations / legal proceedings with respect to the assets, which are part of Appendix B, filed by Serious Fraud Investigation Office with its report dated 30.03.2019;*

*(c) Pass an order transferring to this Hon' ble Court all the pending litigations / legal proceedings with respect to the assets, which are part of Appendix B, filed by Serious Fraud Investigation Office with its report dated 30.03.2019;*

*(d) In the interim, stay all such litigations / legal proceedings with respect to the assets, which are part of Appendix B, filed by Serious Fraud Investigation Office with its report dated 30.03.2019”*

74. Learned counsel appearing on behalf of the Official Liquidator and learned counsel appearing on behalf of the Ex-Director, Mr. Sunil Dahiya accepted notice and prayed for four weeks time to file reply. Let them file reply within four weeks as prayed. Rejoinder, if any, shall be filed within two weeks thereafter.

75. List on 18<sup>th</sup> October, 2024.

76. In the meanwhile, issue notice of the other non-applicants through all permissible modes on filing PF within one week.

**CO.APPL. 744/2024**

77. The instant application under Section 446 of the Companies Act read with Rule 9 of the Company Rules, 1959 has been filed on behalf of the applicants seeking following reliefs:-

*“(a ) Pass an order setting aside the order and judgment dated 29.05.2024 passed by the Learned Addl . Civil judge (Sr.Divn. ), Nuh, Haryana in Suit being CS- 764-2016 titled “Suresh Kochhar Vs. Sunil Kumar Dahiya ”,*



*(b) Pass an order transferring the Suit being CS -764- 2016 titled “Suresh Kochhar Vs. Sunil Kumar Dahiya” to this Hon’ble Court and decided it afresh;*

*(c ) Pass an order directing that the Investors in Vigneshwara Group of Companies, shall have priority as against Respondent no. 1 , over the lands, forming subject matter of suit Suit being CS-764- 2016 titled “Suresh Kochhar Vs. Sunil Kumar Dahiya ”, for realization of the amount of claim of Investors;*

*( d) In the interim, pass an order staying the order and judgment dated 29.05.2024 passed by the Learned Addl . Civil judge ( Sr. Divn .), Nuh, Haryana in Suit being CS-764-2016 titled “ Suresh Kochhar Vs . Sunil Kumar Dahiya”*

78. Learned counsel appearing on behalf of the Official Liquidator and learned counsel appearing on behalf of the Ex-Director, Mr. Sunil Dahiya accepted notice and prayed for four weeks time to file reply. Let them file reply within four weeks as prayed. Rejoinder, if any, shall be filed within two weeks thereafter.

79. List on 18<sup>th</sup> October, 2024.

80. In the meanwhile, issue notice of the other non-applicants through all permissible modes on filing PF within one week.

**CO.APPL. 745/2024 & 746/2024**

81. The instant applications have been filed for permission to file claim before the Official Liquidator.

82. Heard learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the applications.

83. For the reason stated in the applications, the applications are allowed and applicants are permitted to file appropriate claim before the Official



Liquidator within four weeks.

**OLR 105/2024**

84. Learned counsel appearing on behalf of the Official Liquidator submitted that as per the records of M/s. Vighneshwara Developers Pvt. Ltd. and Vighneshwara Developwell Pvt. Ltd. ie., the company in liquidation has two Ex-Directors, namely, Sanjay Kumar Dahiya and Sunil Kumar Dahiya.

85. OLR is taken on record.

86. Learned counsel appearing on behalf of the Ex-Director, Sunil Kumar Dahiya of the company in liquidation prayed for a weeks' time to file reply. Let him file reply within a week as prayed. Rejoinder, if any, be filed within one week thereafter.

87. List on 18<sup>th</sup> October, 2024.

**CO.APPL. 548/2023, 347/2024 & 339/2024**

88. Issue notice.

89. Notice is accepted by learned counsel appearing on behalf of the Ex-Director, Sunil Kumar Dahiya, who prayed for two weeks' time to file response/reply. Rejoinder, if any, be filed within two weeks thereafter.

90. List on 18<sup>th</sup> October, 2024.

**CO. APPL.584/2024**

91 The instant application under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant seeking condonation of delay in filing claim before the Official Liquidator.

92. For the sufficient cause being shown in the application, the same is allowed and the delay of 496 days, in filing claim is condoned.

93. Accordingly, the application stands disposed of.



**CO. APPL.583/2024**

94. The instant application has been filed for permission to file claim before the Official Liquidator.

95. Heard learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

96. For the reason stated in the application, the application is allowed and applicant is permitted to file claim before the Official Liquidator within four weeks.

**CO. APPL.586/2024**

97 The instant application under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant seeking condonation of delay in filing claim before the Official Liquidator.

98. For the sufficient cause being shown in the application, the same is allowed and the delay of 496 days, in filing claim is condoned.

99. Accordingly, the application stands disposed of.

**CO. APPL.587/2024**

100. The instant application has been filed for permission to file claim before the Official Liquidator.

101. Heard learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

102. For the reason stated in the application, the application is allowed and applicant is permitted to file claim before the Official Liquidator within four weeks.

**CO. APPL.588/2024**

103 The instant application under Section 5 of the Limitation Act, 1963





read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant seeking condonation of delay in filing claim before the Official Liquidator.

104. For the sufficient cause being shown in the application, the same is allowed and the delay of 496 days, in filing claim is condoned.

105. Accordingly, the application stands disposed of.

**CO. APPL.589/2024**

106. The instant application has been filed for permission to file claim before the Official Liquidator.

107. Heard learned counsel appearing on behalf of the Official Liquidator and perused the contents made in the application.

108. For the reason stated in the application, the application is allowed and applicant is permitted to file claim before the Official Liquidator within four weeks.

**CO. APPL.590/2024**

109. The instant application under Section 5 of the Limitation Act, 1963 has been filed on behalf of the applicant seeking condonation of delay in filing claim before the Official Liquidator.

110. For the sufficient cause being shown in the application, the same is allowed and the delay of 509 days, in filing claim is condoned.

111. Accordingly, the application stands disposed of.

**CO.APPLs. 382/2024, 695/2024, 696/2024 & 698/2024**

112. Heard. Issue notice.

113. Notice is accepted by learned counsel appearing on behalf of the Official Liquidator and by Mr. Bharat Gupta, learned counsel appearing on behalf of the Association. They prayed for two weeks' time to file reply.



Let them file reply within two weeks as prayed. Rejoinder, if any, be filed within two weeks thereafter.

**CO.PET.-885/2015, CO.APPL. 4198/2016, CO.APPL. 85/2021,  
CO.APPL. 536/2021, CO.APPL. 607/2021, CO.APPL. 168/2022,  
CO.APPL. 243/2022, CO.APPL. 618/2022, CO.APPL. 173/2023,  
CO.APPL. 347/2023, CO.APPL. 475/2023, CO.APPL. 548/2023,  
CO.APPL. 217/2024, CO.APPL. 339/2024, CO.APPL. 350/2024,  
CO.APPL. 382/2024, CO.APPL. 422/2024, CO.APPL. 439/2024,  
CO.APPL. 457/2024, CO.APPL. 583/2024, CO.APPL. 590/2024,  
CO.APPL. 693/2024 , CO.APPL. 694/2024, CO.APPL. 695/2024,  
CO.APPL. 696/2024, CO.APPL. 698/2024, CO.APPL. 743-44/2024**

114. List on 18<sup>th</sup> October, 2024.

115. Court notice be issued to Mr. Sanjay Kumar Dahiya, the Ex-Director to appear before the Court on the next date of hearing, failing which warrants may be issued to secure his presence.

**CHANDRA DHARI SINGH, J**

**AUGUST 27, 2024**

**NA/av**

*Click here to check corrigendum, if any*