

\$~8(Company Side)

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CO.PET. 52/2013, CO.APPL.373/2017 & CO.APPL.305/2019**  
**ASSETS CARE & RECONSTRUCTION ENTERPRISE LTD.**

..... Petitioner

Through: Mr. Dinkar Singh, Mr. Gagan  
Garg & Mr. Rohit Singh, Advs.  
for Applicant in CA 373/2017

versus

M/S CREW B.O.S PRODUCTS LTD ..... Respondent

Through: Mr. Kashish Narang, Adv. for  
Prudent ARC  
Ms. Aditi Sharma, Mr. Prakhyat  
Sharma and Ms. Ambuja Jain,  
Advocates For RIICO  
Ms. Pooja M. Saigal with Mr.  
Anshul Bajaj, Mr. Simrat Singh  
Pasay and Mr. Chaitanya  
Pandey, Advs. for Ex-Directors  
Ms. Ruchi Sindhvani, Sr.  
Standing Counsel, Ms. Megha  
Bharara, Adv for Official  
Liquidator.

**CORAM:**  
**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**12.11.2021**

(Video-Conferencing)

**CO.APPL.373/2017 (under Rule 9)**

1. Ms. Ruchi Sindhvani, learned Counsel for the Official Liquidator, has drawn my attention to orders dated 27<sup>th</sup> March, 2019,

7<sup>th</sup> August, 2019 and 30<sup>th</sup> October, 2019, *vide* which RIICO was directed to take a decision on the representation of the applicant, ARCIL. Though learned Counsel for ARCIL as well as learned Counsel for the RIICO, submit that the representation was rejected, no copy of the said rejection is on record.

2. In order to enable learned Counsel to place the said order of rejection on record, and to enable the Official Liquidator to file a response to this application, if he so chooses, re-notify on 24<sup>th</sup> January, 2022.

3. In case the Official Liquidator files a reply to this application, the RIICO and the ACREL, may respond thereto, if they so choose, before the next date of hearing.

**CO.APPL.305/2019 (under Section 279 & Rule 9)**

4. The Official Liquidator has filed a reply to this application. Mr. Narang, learned Counsel for the applicant, submits that he does not seek to file a rejoinder thereto.

5. Accordingly, list this application for disposal on 24<sup>th</sup> January, 2022.

6. This Court is seeing, in nearly every company matter which is listed before it that applications run into several volumes and, often times, order sheets also run into several volumes. Applications which have been disposed of long back and which no longer survive for

consideration are still being shown on the electronic files making it a near impossible task to navigate through the applications. Additionally, it is often seen that when a response to an application is filed with an application for condonation of delay, it is categorized in a separate folder so that, at first glance, the Court is unaware that a response was filed at the first place.

7. The consequence is that hours are spent by the Court, in navigating through the company list though often times, the issues involved are very short and elementary. This takes up precious Court time, at the cost of other important matters which languish in the process.

8. Another consequence of the situation as it exists at present, is that, at times, there are multiple applications by various parties who are interested in, say, the same property. As all these applications are figuring in separate folders, and at times, they are listed on different dates, there is always a possibility of the Court passing an order to the prejudice of a party who was unheard.

9. In the opinion of this Court, one solution to this problem- which otherwise will become insurmountable – is that all applications which stand disposed of should be placed in a separate folder and only those applications should be reflected in the main folder which are still pending. The Registry is directed to take steps as expeditiously as possible to do this, so that Court time is not wasted unnecessarily.

**10.** The Registry is directed to take note of the aforesaid and issue appropriate practice directions, which should be put up to the Company Judge for approval.

**11.** If any assistance is needed from the Official Liquidator's office, the Registry may requisition assistance. The Official Liquidator is requested to provide assistance in this regard so that it becomes possible for the Court to hear matters.

**C.HARI SHANKAR, J**

**NOVEMBER 12, 2021**

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