

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

**SUBJECT : WINDING UP**

Co. Pet. No.87/1996

Date of decision: 3rd November, 2008

Alpha Drug India Ltd.  
through: None

... Petitioner

**VERSUS**

Perfect Drugs Limited.  
through: Mr. Rajeev Bahl, Adv. for the Official  
Liquidator

...Respondents

GITA MITTAL, J(Oral)

1. This petition was filed by the petitioner under section 433-439 of the Companies Act, 1956 praying for winding up of M/s Perfect Drugs Ltd. After issuance of notice to show cause on 17th April, 1996, the respondent had entered appearance and stated on 10th November, 1998 that the matter was pending consideration in a reference made before BIFR. Subsequently on 6th November, 1999 it was stated that the company stood declared sick by the BIFR. Consequently, by an order passed on 20th August, 1999, the matter was adjourned sine die.

2. It is stated by Mr. Rajeev Bahl, learned standing counsel for the official liquidator that another petition under section 433-439 of the Companies Act, 1956 was filed in this court which was registered as Com.Pet.No. 509/1998. The pendency of the present case was not brought to the notice of the court. However by an order dated 21st March, 2008, this court had directed that the respondent company be wound up. 3. Certainly two proceedings for the winding up of the same company would not be maintainable. In case the

petitioner has any claim in law, it would be required to take appropriate proceedings in the liquidation which is pending before the official liquidator in terms of the order dated 21st March, 2005 passed in Comp.Pet.No. 509/1998. This petition is therefore dismissed with liberty to the petitioner to take appropriate steps for lodging its claim in the pending liquidation proceedings. Copy of this order shall be sent to the petitioner as well as Mr. P. Nagesh, learned counsel who was representing him in this court.

Sd/-  
GITA MITTAL, J