

**IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI
COURT-III**

(IB)-243(ND)/2017

IN THE MATTER OF:

Mr. Birender Kumar

.. PETITIONER

Vs.

M/s. Adel Landmarks Ltd.

... RESPONDENT

SECTION :

Under Section 9 of IBC Code, 2016

Order delivered on 18.9.2017

Coram :

**R. VARADHARAJAN,
Hon'ble Member (Judicial)**

For the Petitioner/Applicant : Mr. Sumit Anand, Advocate.. for Op. Creditor

For the Respondents : Mr. Vipul Singh , Advocate..for Cor. Debtor

ORDER

Learned Counsel for the parties are present. In view of the winding up proceedings filed in Company petition C.P. No.312 of 2016 by the petitioner against the respondent Company/Corporate Debtor before the Hon'ble High Court of Delhi, an opportunity was given to the petitioner to withdraw this petition and prosecute the petition filed before the Hon'ble High Court as it relates to the Respondent Company. However, it is reported by the Ld. Counsel for the petitioner that he has got instructions from the petitioner to proceed further in the matter and continue the case.

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Contel-

This Tribunal is of the view that this petition cannot be prosecuted before two Forums which will result in Forum shopping. In fact, the petitioner before this Tribunal never disclosed the pending winding up proceedings and the same was only brought to the notice by the other side and thus, there is also suppression of facts and at all costs the same is required to be discouraged.

Taking into consideration the pending petition before the Hon'ble High Court of Delhi, this petition is dismissed. Further, imposition of cost of Rs.10,000/- will be in order due to the above reasons and the same will be paid to the respondent.



(R. VARADHARAJAN)
MEMBER (JUDICIAL)

Surjit
18.9.2017