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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6112/2021**
LALIT KISHORE AGGARWAL & ANR. Petitioner
Through Mr.Kirti Uppal, Sr.Adv. with Ms.Nishi
Chaudhary, Ms.Nidhi Banga, Adv.
versus
UNION OF INDIA & ORS. Respondent
Through Mr.Asheesh Jain, CGSC for R-1.
Mr.Abhishek Kumar, Adv for R-2.
Mr.Azeem, Adv for R-3.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **06.07.2021**

CM APPL. 19376-77/2021

1. Exemptions allowed, subject to all just exceptions.
2. The requisite affidavit and court fee be filed within two weeks of this Court resuming physical hearing.
3. The applications stand disposed of.

W.P.(C) 6112/2021 & CM APPL. 19375/2021(stay)

4. Vide the present petition, the petitioners who are personal guarantors of M/s Globalite Retail Pvt. Ltd. seek the following relief:-

“Issue a writ in the nature of Certiorari/mandamus or any other appropriate writ to quash the statutory demand notice dated 26.03.2021 under FORM B of Rule 7(1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process of Personal Guarantors to Corporate Debtor).”

5. The petition is vehemently opposed by the respondents, who appear on advance notice. Learned counsel for the respondent no.2 submits that since the petitioners are seeking to challenge the statutory demand notice dated 26.03.2021 issued by the respondent no.3, the present petition is premature as no proceedings in any forum whatsoever have been initiated against the petitioners till date. He further submits that in any event it will be open for the petitioners to raise all contentions including their plea that they would not be covered within the term of “guarantors of a corporate debtor” before the appropriate forum where proceedings, if any, are initiated against them.

6. In the light of the aforesaid objection, learned senior counsel for the petitioner seeks leave to withdraw the present petition with liberty to approach the NCLT/Appropriate Forum in case proceedings are initiated against them.

7. The petition along with the pending application is dismissed as withdrawn with liberty as prayed for. However, to safeguard the interest of both parties, it is directed that as and when a petition is sought to be preferred by the respondent no.3 against the petitioner, an advance copy thereof would be furnished by the respondent no.3 to the petitioner.

8. Needless to state that this Court has not examined the rival contentions of the parties on merits and, therefore, it will be open for the petitioner to raise all grounds as permissible in law including grounds raised in the present petition before the appropriate forum.

REKHA PALLI, J

JULY 6, 2021/sr