

Liquidator directing possession to be taken from the petitioners was challenged by the petitioners by filing a writ petition in the High Court which was dismissed. The High Court was of the opinion that the writ petition was not maintainable in view of the availability of an alternative.

Assailing the validity of the order of the High Court, the petitioners have filed this Special Leave Petition. Office order dated 29.06.2020 passed by the Official Liquidator in a pending company petition before the High Court cannot be the subject matter of appeal before the Appellate Tribunal. However, the order passed by the Official Liquidator can be challenged before the Company Court which is in seisin of the company petition.

We permit the petitioners to withdraw this SLP with liberty to approach the Company Court by filing an application questioning the order dated 29.06.2020. The Company Court shall expedite the hearing of the matter as according to the petitioners, there is an attempt to interfere with their possession. The Special Leave Petition is, accordingly, dismissed as withdrawn with the aforesaid liberty.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master