

Case No.154/2015

**Delhi Cooperative Engg. & Oil Mfg. Industrial Soc.
Ltd. Vs. RCS & Anr.**

28.07.2015

Present : None for Appellant.
: None for Respondents.

1. During the proceedings on 16.07.2015 Counsel for petitioner argued the matter on the issue of maintainability. She submitted that Hon'ble High Court of Delhi vide order dated 23.02.2015 in the case bearing No. WP(C) 1367/2014 & CM 2836/2014 granted the permission to withdraw the writ petition with liberty to invoke appropriate remedy available in law. After this direction, petitioner has filed the appeal u/s 112 of DCS Act, 2003 with the prayer to restrain the Respondent No. 1 to initiate any liquidation proceeding in respect of illegal claim of R-2 from the Appellant society in view of the arbitration award dated 18.06.1987.
2. Appellant could not clarify under which clause of Section 112(1) of DCS Act, appeal has been filed. Whereas under Section 112(1) of DCS Act, any appeal against the arbitrator order lies with the DCT u/s 112(1)(k) of DCS Act. Therefore, the appeal does not lie before this Court.
3. Accordingly, the petition is disposed of in limini.
4. File be consigned to record room after completion.

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**(Naini Jayaseelan)
Financial Commissioner, Delhi
28.07.2015**