

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH (COURT - II)**

**Item No. 213**  
**39(ND)/2017**

**IN THE MATTER OF:**

**Gaurav Aggarwal & Anr.**

... **Applicant/Petitioner**

**Versus**

**Divine Infracon Pvt. Ltd.**

... **Respondent**

**Under Section: 397/398**

**Order delivered on 06.03.2023**

**CORAM:**

**SH. ASHOK KUMAR BHARDWAJ,**  
**HON'BLE MEMBER (JUDICIAL)**

**SH. AVINASH KUMAR SRIVASTAVA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

**For the Applicant** : Ms. Kinnori Ghosh, Mr. Kumar Deep, Advocates.

**For the Respondent** : Mr. Rakesh Kumar, A Mishra, Mr. Sahil & Mr. Nidish Gupta Advs. for the Respondent (Mr. Satish Pawa)

**ORDER**

As prayed by the Ld. Counsel appearing for the Petitioner the present petition is **dismissed as withdrawn**. It goes without saying that the Applicant is at liberty to file fresh petition with updated facts. It is made <sup>clear</sup> that since the present petition was preferred in the year 2017, any plea raised in the fresh petition pertaining to the cause which was within limitation as on the date of filing the original petition would not be nixed as barred by limitation.

-sd-

**(AVINASH KUMAR SRIVASTAVA)**  
**MEMBER (T)**

-sd-

**(ASHOK KUMAR BHARDWAJ)**  
**MEMBER (J)**