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§~42 & 43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

(i) + **CRL.M.C. 3240/2015**

STERLING CELLULAR LTD.

..... Petitioner

Through: Mr. Siddharth Luthra, Senior
Advocate, with Mr. Manu Nair,
Mr. Anuj Berry, Mr. Sourabh Rath
and Mr. Anoopam Prasad,
Advocates

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Anand Grover, Senior
Advocate, with Mr. Mihir Samson,
Ms. Chitralekha Das, Mr. Rajat
Soni, Advocates with R.A. Yadav,
DSP-CBI

(ii) + **CRL.M.C. 3244/2015**

**HUTCHISON MAX PVT LTD PENINSULA CORPORATE
PARK**

..... Petitioner

Through: Mr. Siddharth Luthra, Senior
Advocate, with Ms. Jasleen K.
Oberoi and Mr. Ayush Sharma,
Advocates

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Anand Grover, Senior
Advocate, with Mr. Mihir Samson,
Ms. Chitralekha Das, Mr. Rajat
Soni, Advocates with R.A. Yadav,
DSP-CBI

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

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ORDER
14.08.2015

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Crl.M.A.11516-18/2015 (Exemption) in CRL.M.C.3240/2015

Allowed subject to all just exceptions.

Crl.M.A.11528-30/2015 (Exemption) in CRL.M.C.3244/2015

Allowed subject to all just exceptions.

CRL.M.C. 3240/2015 & Crl.M.A.11515/2015 (Stay)
CRL.M.C. 3244/2015 & Crl.M.A.11527/2015 (Stay)

At the outset, learned senior counsel for respondent-CBI raises a question of the maintainability of these petitions and relies upon decision of a Division Bench of this Court in *Essar Teleholdings Ltd. v. The Registrar General, Delhi High Court & Ors.* rendered in W.P. (C) 70/2012 on 24th January, 2012, which reads as under: -

"We have heard the learned counsel for the parties for some time. In view of the orders of the Supreme Court dated 10.2.2011, 16.03.2011 and 11.04.2011 passed in Civil Appeal No.10660/2010, we feel that it would be appropriate that the parties seek a clarification from the Supreme Court as to whether this court can proceed with the hearing of this writ petition. In order to enable them to do so, we are holding this matter over till the next date."

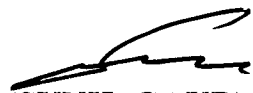
In light of the aforesaid, this Court has expressed its regret to hear this matter and in view thereof, learned senior counsel for petitioners seeks permission to withdraw these petitions with liberty to file Special Leave Petition against the impugned orders.

These petitions and the applications are disposed of as withdrawn

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with liberty as aforesaid.

Copy of this order be given *dasti* to learned counsel for petitioners.


(SUNIL GAUR)
JUDGE

AUGUST 14, 2015

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