

\$~01

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

+ W.P.(C).11209/2015

% *Judgment dated 10<sup>th</sup> December, 2015*

MODERN MALLEABLES LTD.

..... Petitioner

Through : Mr.Abhinav Vashisht, Sr. Adv. with Mr.  
Vijay Nair, Adv.

versus

UOI AND ORS

..... Respondents

Through : Mr.Vijay Joshi and Mr.Sushil Kumar  
Pandey, Advs. for respondent no.1.  
Mr.Manish Mohan, CGSC, Mr.Shivam  
Chanana and Ms.Pooja Mishra, Advs. for  
respondent no.2.  
Mr.Ashish Rana, Adv. for respondent  
no.3.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**G.S.SISTANI, J (ORAL)**

1. Present writ petition has been filed by petitioner under Article 227 of the Constitution of India seeking a direction to the Appellate Authority for Industrial and Financial Reconstruction (in short 'AAIFR') to consider M.A.No.409/2015 filed by the petitioner before the Board for Industrial and Financial Reconstruction (in short 'BIFR') and pass appropriate orders therein as the BIFR is not functioning.
2. Learned senior counsel appearing on behalf of the petitioner submits that he had moved an application before the BIFR, *inter alia*, praying for the following reliefs:

“(a) *take on record the draft merger/amalgamation scheme of MML with ETL envisaging the unimplemented portion of MRS-09;*

*(b) direct the Operating Agency (MA) to consider the draft merger/amalgamation proposal scheme and submit its report;*

*(c) pass such other/further orders/directions as this Hon'ble Board for Industrial and Financial Reconstruction may deem fit and proper in the facts and circumstances of the instant case."*

3. Learned senior counsel for the petitioner further submits that since the BIFR is not functioning, the application moved before the BIFR may be placed before the AAIFR.
4. Since none appeared on behalf of the respondents on the last date of hearing, we had requested Mr.Mohan, Central Government Standing Counsel, who was present in the Court, to appear in the matter. Mr.Mohan had sought time to take instructions in the matter.
5. Today, it is submitted by Mr.Mohan that the respondents would have no objection if the application filed by the petitioner before the BIFR is listed before the AAIFR.
6. Accordingly, Registrar, AAIFR, is directed to place M.A.409/2015, filed by the petitioner, before the AAIFR for consideration and for passing appropriate order in accordance with law.
7. Writ petition stands disposed of in view of above. DASTI.

**G.S.SISTANI, J**

**SANGITA DHINGRA SEHGAL, J**

**DECEMBER 10 , 2015**

msr