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

+ W.P.(C) 1404/2016 & CM No. 6165/2016

M/S RISHABH AGRO INDUSTRIES LTD. Petitioner
Represented by: Ms.Purti Marwaha Gupta,
Advocate.

versus

UNION OF INDIA & ORS Respondents
Represented by: Mr.Anil Grover, Addl.
Advocate General instructed by
Ms.Noopur Singhal, Advocate
for respondent Nos.2 & 3.
Mr.Manish Mohan, CGSC with
Mr.Shivam Chanana and
Ms.Priyansha Sinha, Advocates
for Respondent Nos.-5/BIFR

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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13.07.2016

1. Writ petition was filed on account of neither BIFR nor AIIFR functioning on account of members demitting office. As of today both BIFR as well as AIIFR are functioning.

2. The grievance raised in the writ petition requires to be first brought to the notice of BIFR. The petitioner had filed a miscellaneous application in the pending reference before BIFR in Case No. 158/1997. The same has yet to be registered. Copy thereof has been annexed as Annexure P-7 collectively to the writ petition.

3. Under the circumstances we dispose of the writ petition as infructuous but continue the interim order passed on February 19, 2016 till when BIFR takes up the miscellaneous application filed by the petitioner, copy whereof as noted above has been annexed as Annexure P-7 collectively to the writ petition.
4. Since issue concerns a demand of Sales-Tax by the State of Haryana, we request the Registry of BIFR to place the miscellaneous application before BIFR within two days of receipt of the present order.
5. Since the interim stay is extended till date when BIFR takes up the miscellaneous application filed by the petitioner in BIFR Case No. 158/1997, if for some reason BIFR cannot decide or adjourn hearing in the miscellaneous application it would be open for the petitioner to pray before the BIFR that interim orders may be continued and if such a situation arises and request is made, BIFR shall pass appropriate orders. Needless to say, BIFR shall take necessary decision uninfluenced by the ex-parte ad-interim order granted by this Court.
6. We direct the Registry to send certified copy of the present order to the Registrar, BIFR.
7. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 13, 2016

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