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

+ W.P.(C) 2826/2016 & C.M.No.11896/2016

SANJEEV NARULA AND ORS Petitioners

Through Mr.Rajiv Tuli with Mr.S.Tanwar and
Mr.A.Mishra, Advocates.

versus

OFFICIAL LIQUIDATOR AND ANR Respondents

Through None

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **31.03.2016**

Present writ petition has been filed seeking a direction to Official Liquidator to hand over to petitioners vacant, physical possession of the premises bearing no. 7A/40, W.E.A. Ajmal Khan Road, Karol Bagh, Delhi. Petitioners further seek a direction to learned Sole Arbitrator to resume the arbitration proceedings which was adjourned sine die vide order dated 15th January, 2014.

Learned counsel for the petitioners states that vide order dated 28th January, 2016 passed in Co. App. 6/2014, the Division Bench directed the BIFR to decide within two months the issue of interim arrangement to be put in place. He, however, states that as BIFR is not functioning at the moment and matters are not being listed, the petitioners are left remediless.

The operative portion of the Division Bench order dated 28th January, 2016 reads as under:-

“The interim order of 17.04.2014 which has been continued

on 12.08.2014 shall govern and bind the parties till the decision of the BIFR, within two months. The grievance, if any, with respect to the other made by the BIFR would have to be considered in terms of the provisions of SICA.”

Though the non-functioning of the BIFR is a subsequent event, yet this Court is of the opinion that in view of the aforesaid Division Bench order, it can pass no order. However, the petitioners are at liberty to seek variation/modification/clarification of the Division Bench order passed in company appeal Co. App. 6/2014 if they so desire by filing an appropriate application in accordance with law.

Consequently, the present writ petition and the application are disposed of.

MANMOHAN, J

MARCH 31, 2016
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