

\$~13

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

+ W.P.(C) 3103/2016

M/S GOBIND GLASS AND INDUSTRIES LTD. Petitioner

Represented by: Mr.Vivek Sibal, Advocate with
Mr.Rahul Shrma, Ms.Nivedita
H.S.Bhaskar, Advocates

versus

BOARD FOR INDUSTRIAL & FINANCIAL
RECONSTRUCTIONS & ANR

..... Respondents

Represented by: Mr.Amit Dayal, Advocate for
R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **08.04.2016**

CM No.13166/2016

Allowed subject to just exceptions.

WP(C) 3103/2016

1. Petitioner claims its net worth turning positive in the previous financial year and informs that application No.359/2015 filed by it before BIFR to declare proceedings initiated under Section 15 of SICA, 1985 as having abated being not heard on account of BIFR not functioning due to non-availability of Members.

2. The issue sought to be urged in the petition can be urged before AAIFR which can hear miscellaneous applications.

3. Declining to entertain the petition we direct that upon an application filed before AAIFR the same shall be decided on merits taking into account

W.P.(C) 3103/2016

page 1 of 2

that it would be a case of deemed refusal on account of BIFR not functioning and hence an appealable order taking birth for adjudication before AAIIR.

4. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 08, 2016
'skb'