

\$~15

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

+ W.P.(C) 3482/2016

M/S WINDSOR MACHINES LIMITED

..... Petitioner

Represented by: Ms.Maneesha Dhir, Advocate
with Ms.Divya Krishnan,
Advocate

versus

BOARD OF INDUSTRIAL AND FINANCIAL
RECONSTRUCTION & ORS

..... Respondents

Represented by: Ms.Shiva Lakshmi, Advocate
with Mr.Sriram Krishna,
Mr.Arindam Dey, Advocates
for R-1
Ms.Chetna Bhalla, Advocate
for R-2
Mr.D.R.Jain, Advocate for R-3
& 4
Mr.Manish Mohan, Advocate
with Ms.Manisha Saroha,
Advocate for R-5

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **27.04.2016**

CM No.14908/2016

Allowed subject to just exceptions.

W.P.(C) 3482/2016

1. Pursuant to a notification dated April 18, 2016 nomination has been made of a member to BIFR and the problem of lack of quorum has now been overcome for the reason prior thereto there was only one member left

W.P.(C) 3482/2016

page 1 of 2

on BIFR.

2. Learned counsel for the petitioner states that when the writ petition was drafted it was on the assumption that nomination of the vacancy to BIFR had not been made, but would hasten to add that both members of BIFR are holding additional charge and to the knowledge and information of the petitioner no sitting by the Board has taken place as yet.

3. Since two members have been nominated to BIFR and there is quorum available we decline to entertain the present petition which has been filed invoking extraordinary writ jurisdiction of this Court on the ground that statutory forum available is not sitting due to lack of quorum.

4. But, we simultaneously direct that BIFR should hold a meeting every day and at least for two hours. Such matters which require urgent consideration should be taken up by BIFR.

5. Instant matter is of one such kind.

6. On an application filed by the petitioner in the Registry of BIFR, MA No.275/2013 in BIFR Case No.65/2004 shall be placed before BIFR on any date next week.

7. BIFR shall proceed to hear the matter and pass appropriate orders.

8. Copy of this order be supplied dasti under signatures of the Court Master to learned counsel for the petitioner.

9. No costs.

CM No.14907/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 27, 2016/‘skb’

W.P.(C) 3482/2016

page 2 of 2