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

+ W.P.(C) 3612/2016

M/S BHARATI DEFENCE AND
INFRASTRUCTURE LIMITED

..... Petitioner

Represented by: Ms.Maneesha Dhir, Advocate with
Mr.L.P.Dhir, Ms.Varsha Banerjee and
Ms.Divya Krishnan, Advocates

versus

BOARD FOR INDUSTRIAL AND FINANCIAL
RECONSTRUCTION AND ORS

..... Respondents

Represented by: Mr.Manish Mohan, Advocate with
Mr.Shivam Chanana, Advocate for
R-1
Mr.D.R.Jain, Advocate for Income
Tax Department

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **29.04.2016**

CM No.15490/2016

Allowed.

W.P.(C) No.3612/2016

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 on BIFR.

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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.88/2016 in BIFR Case No.87/2015 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.15489/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 29, 2016/mamta
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