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

+ **W.P.(C) 7751/2016**

MUKAT PIPES LIMITED

..... Petitioner

Through: Mr.Rakesh Kumar, Mr.Yuvraj Khanna,
Advs.

versus

UNION OF INDIA

..... Respondent

Through: Ms.Arati Bansal, Adv.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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02.09.2016

CM. NO. 31999/2016

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(C) 7751/2016

1. This writ petition is directed against an order of AAI FR dated 10th June, 2016 of dismissing the application of the writ petitioner for restoration of the appeal.

2. It appears that the writ petitioner defaulted in appearance on earlier occasions. A last opportunity was given to the writ petitioner to be present

on 13th January, 2016. The writ petitioner was directed to make alternative arrangements, in case its counsel was not available for any reason, which the writ petitioner did not do. The writ petitioner chose not to appear, for which the appeal was dismissed.

3. The impugned order dismissing the application for restoration of the appeal does not really call for interference in proceedings under Article 226 of the Constitution of India. It is true that the petitioner had been given opportunity on three occasions. However, for the ends of justice, we feel that the petitioner might be given another chance. We therefore, deem it appropriate to give the petitioner an opportunity, if the writ petitioner applies before the AAIFR.

4. The writ petitioner shall appear before the AAIFR. It is made clear that no further adjournment shall be granted to the petitioner under any circumstances and if the writ petitioner chooses not to appear, the appeal may be dismissed.

5. This order is subject to the petitioner depositing costs of Rs.25,000/- to the Delhi High Court Legal Services Committee within two weeks from date.

6. The writ petition is disposed of.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 02, 2016
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