

\$~25

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

+ W.P.(C) 8380/2016

XLO MACHINE TOOLS LIMITED

..... Petitioner

Through: Mr. Rahul Chitnis and Mr. Asish Rana,
Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Manish Mohhan, CGSC with
Ms. Sangita Rai and Mr. Pradeep Singh Tomar,
Advs.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **23.09.2016**

1. In this writ petition, the petitioner has sought a Writ in the nature of Mandamus directing the AAIFR to consider the application of the petitioner being M.A. No. 502/2014 pending before the Board for Industrial and Financial Reconstruction (BIFR) and to discharge / de-register the petitioner from the reference under the Sick Industrial Companies (Special Provisions) Act, 1986, hereinafter referred to as the SICA.

2. An appeal filed by the petitioner before the Appellate Authority for

Industrial and Financial Reconstruction (AAIFR), New Delhi was dismissed with liberty to approach the BIFR by filing an application for discharge of the petitioner from the reference under the SICA.

3. The appellate authority directed that if such an application was made by the petitioner, the BIFR would dispose of the same within a period of one month from the date of filing of the application. Unfortunately, the application could not be taken up for want of quorum as one of the members recused himself and there was no other member available. We are informed by Mr. Manish Mohan that a member has been appointed and shall be assuming Office in a week's time.

4. Since a member has been appointed, we dispose of this petition with a direction on the BIFR to dispose of the pending application of the petitioner being M.A. NO. 502/2014, as expeditiously as possible preferably within four weeks from the date of constitution of the Bench of BIFR.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 23, 2016/jg