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

+ W.P.(C) 9965/2015

MALABAR COASTAL HOLDINGS LLP Petitioner

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

versus

SAURASHTRA CEMENTS LIMITED AND ORS. Respondents

Represented by: Mr.Arvind Kumar, Advocate for R-1
Mr.Arvind Kumar, Advocate with
Mr.Purti Marwaha, Mr.C.S.Chauhan
and Mr.Henna George, Advocates for
R-2
Mr.Abhinav Vashisht, Sr.Advocate
instructed by Mr.Ajay K.Jain,
MrAtanu Mukherjee and
Mr.Abhishek Agarwal, Advocates

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **20.01.2016**

CM No.1768/2016

For the reasons stated in the application delay of 7 days in filing the rejoinder is condoned.

The application is allowed.

W.P.(C) No.9965/2015

1. Having heard learned counsel for the parties we are constrained to dispose of the writ petition quashing the impugned order dated September

24, 2015.

2. The order has been passed in appeal No.74/2015 by the AAIFR. Challenge in the appeal was to an order dated February 12, 2015 passed by BIFR in case No.9/2006.

3. Confronted with the issue of maintainability of the appeal, in paragraph 1 of the impugned order, recording the relevant facts and giving reasons, AAIFR has held : *‘As such, this appeal is not maintainable and the same is dismissed’*.

4. Thereafter AAIFR has proceeded to direct that status quo with respect to the property qua which parties were in litigation should be maintained.

5. Now, if AAIFR had no jurisdiction to entertain the appeal which was opined to be not maintainable, AAIFR could not have directed status quo to be maintained.

6. We therefore quash the direction directing status quo to be maintained by AAIFR, but would direct BIFR to allow a special mention to be made before it in the pending proceedings and consider prayer made by the applicant for status quo to be maintained.

7. No costs.

CM No.24248/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 20, 2016

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