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

+ LPA 262/2017

BUREAU OF INDIAN STANDARDS & ANR Appellants

Through: Mr. Sanjay Jain, ASG along with
Mr. Vidur, Mr. B.K. Sood, Mr. Harish
Gaur & Mr. Sandeep Thukral,
Advocates.

versus

RENUKA B SALWAN Respondent

Through: Ms. Zubeda Begum & Ms. Sana
Ansari, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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08.08.2017

C.M. No. 13644/2017

By this application, the appellants seek condonation of 10 days delay in filing the appeal.

Ms. Begum, learned counsel for the respondent submits that the delay is actually 25 days and not 10 days.

Be that as it may, having heard learned counsel, we are inclined to condone the delay. Accordingly, the delay is condoned. The application stands disposed of.

LPA 262/2017 and CM APPL. 13642/2017

On the last date, Ms. Begum submitted that the respondent has since been granted voluntary retirement. She stated that the respondent shall be

withdrawing the writ petition in these circumstances. Learned counsel for the appellant had urged that the observations made by the learned Single Judge in paragraphs 4 & 5 of the impugned order may be set aside. On this aspect, the respondent was to take instructions.

Ms. Begum has sought to defend the observations made in paragraphs 4 & 5 of the impugned order.

We may observe that the impugned order was passed on the very first date of hearing of the writ petition. The counter-affidavit of the respondents was not on record. In fact, by this order, four weeks time was granted for the said purpose to respondents No.2 & 3 and the matter adjourned to 28.04.2017.

In these circumstances, in our view, no definite findings particularly of mala fide against the appellant No.2 or any person could have been returned by the Court without affording an opportunity to defend the said fact. In these circumstances, the observations made by the learned Single Judge in paragraphs 4 & 5 of the impugned order against appellant No.2 are set aside.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 08, 2017

B.S. Rohella