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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 707/2016, CM APPL. No. 46755/2016

NATIONAL INSTITUTE OF FOOD TECHNOLOGY
ENTREPRENEURSHIP & MANAGEMENT & ORS.

..... Appellants

Through: Mr. R. V. Sinha and Mr. A.S. Singh, Advs.

versus

NIFTEM TEACHERS WELFARE ASSOCIATION & ANR.

..... Respondents

Through: Mr. Sanjeev Panigrahi and Mr. Mukesh
Kumar Singh, Advocates.
Mr. Apoorv Kurup and Mr. Avnish Rathi,
Advocates for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

17.01.2017

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The respondent Nos.1 to 4 in W.P.(C) No.10559/2016 are the appellants before us.

The said writ petition is still pending.

By the order under appeal dated 10.11.2016, the learned Single Judge passed an interim order in CM No.41441/2016 with regard to the VAP Programmes commencing on 14.11.2016. The said order appears to be a consent order and in fact the same has worked itself out.

However, it is vehemently contended by the learned counsel for the appellants that the learned Single Judge committed a grave error in rejecting the preliminary objection raised by them as to the maintainability of the writ

petition on the ground of territorial jurisdiction and therefore the order under appeal to that extent is liable to be set aside.

As mentioned above, the writ petition is still pending and stands posted to 02.02.2017. Therefore, the ends of justice would be met if the issue relating to the maintainability of the writ petition in this Court is left open for adjudication afresh by the learned Single Judge.

The learned counsel for the respondent No.1/writ petitioner has agreed for the same.

We accordingly dispose of the appeal making it clear that the rejection of the preliminary objection as to the maintainability of the petition in the order under appeal shall not be treated as conclusive.

Both the parties are at liberty to make their submissions on the said issue before the learned Single Judge and the same be decided afresh.

Accordingly, the appeal stands disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JANUARY 17, 2017

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