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

+ W.P.(C) 8793/2017 & CM Nos.35963-35964/2017

M/S MODERN STEELD LTD.

..... Petitioner

Through : Mr. Sudhir Nandrajog, Sr.
Adv. with Mr. Ayush
Sharma, Adv.

versus

UNION OF INDIA

..... Respondent

Through : Ms. Santwana for
Mr. Rajesh Kumar, Adv.
with Mr. Santosh Prasad
Chaurasiya, G.P.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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10.10.2017

1. The record of W.P.(C) 7446/2017 has been received. We have perused that writ petition as well as the present writ petition (W.P.(C) 8793/2017). We find that the two petitioners are part of the same group of companies.

2. In W.P.(C) 8793/2017, the petitioner has laid a challenge to the constitutionality of the provisions of Section 7 of the Insolvency and Bankruptcy Code, 2016 *inter alia* on the ground that the same are violative of Articles 14, 19(1)(g) and 21 of the Constitution of India. The petitioner makes a prayer for a

declaration that Regulation 5(1) of the Insolvency and Bankruptcy Board of India Regulations, 2016 are *ultra vires* the constitutional provisions.

3. An identical challenge has been laid in W.P.(C) 7446/2017 by M/s Modern Dairies Limited, a sister concern of the present petitioner. The authorised representative in both the writ petitions is also the same person. The challenge to the constitutionality of the statutory provisions as well as the regulations framed thereunder by way of the second writ petition is completely unnecessary and unwarranted.

4. A prayer is therefore, made by learned senior counsel for the petitioner to withdraw this writ petition with liberty to seek impleadment in the pending W.P.(C) 7446/2017.

5. This writ petition and applications are, therefore, dismissed as withdrawn with liberty as prayed for.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 10, 2017/kr