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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 9669/2017**  
**DANS ENERGY PVT LTD AND ORS**

..... Petitioners

Through Mr. A. S. Chandhiok, Senior  
Advocate and Mr. Akhil Sibal,  
Senior Advocate with Mr. Atul  
Guleriya, Advocate.

versus

**POWER FINANCE CORPORATION LTD AND ORS**

..... Respondents

Through: Mr. Sanjay Jain, ASG with Mr.  
Milanka Chaudhary, Ms. Naina  
Dubey, Mr. Rajul Jain & Mr. Madhur,  
Advocates for R-1  
Mr. Vivek Jain with Mr. Sunil Dalal,  
Advocates for R-3/ PNB.

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
% **01.11.2017**

**CM No.39383/2017**

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

**WP(C) No.9669/2017 & CM No.39382/2017**

3. The petitioners have filed the present petition, *inter alia*, impugning the decision taken by the respondents in the meeting held on 27.09.2017, whereby they have decided to invoke SDR / outside SDR scheme qua petition no. 1.
2. It is an admitted case that the petitioner no.1 company has been unable to pay its debts and has defaulted in making payments due to the

respondents. In this view, *prima facie*, the respondents - being the creditors of petitioner no.1 company - are at liberty to take such measures in respect of the affairs of the petitioner no.1 company as they deem fit.

3. Mr. Chandhiok, learned Senior Counsel appearing for the petitioners states that the petitioners would be satisfied if a direction is passed to the respondents to consider the petitioner's representations made on 09.10.2017 and 13.10.2017 in the ensuing meeting of the creditors scheduled to be held tomorrow.

3. This request cannot be objected to and, therefore, this Court directs the respondents to consider the petitioners' representations and take an informed decision thereon.

4. Mr. Chandhiok further states that the petitioners have recently received minutes of the meeting of the Standing Committee of Power and Procurement of State of Haryana, held on 26.09.2017. He states that these minutes are also relevant for the respondents to consider the petitioners' representations. The copy of the same has been handed over to the learned Additional Solicitor General. The said minutes may also be taken into account by the respondents while considering the aforementioned representations.

5. The petition along with pending application are disposed of with the aforesaid directions.

6. Order *dasti* under signatures of the Court Master.

**VIBHU BAKHRU, J**

**NOVEMBER 01, 2017**

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