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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 784/2017 & CM Nos. 45030/2017 (stay) & 45031/2017
(Exemption) & 45032/2017 (for additional documents)
PRASHANT PRANAV & ORS. Appellants
Through Mr. Jaiveer Shergill and Mr. Gaurav
Gupta, Advocates.
versus
UNION OF INDIA & ORS. Respondents
Through Mr. Rajesh Kumar and Mr. Nikhil
Kumar, Advocates for respondent No.
1/UOI.
Mr. Anil Kumar Sangal, Mr.
Siddharth Sangal and Mr. Abhay Kr.
Tayal, Advocates for respondent Nos.
2 and 3/SBI.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE S.P. GARG

ORDER

% **12.12.2017**

After some arguments, Mr. Jaiveer Shergill, learned counsel appearing on behalf of the appellants seeks leave to withdraw this appeal with liberty to file a representation with the respondent No. 2 herein, namely, State Bank of India, during the course of the day, in terms of paragraph 7 of the impugned order dated 16th November, 2017.

Leave and liberty granted.

Learned counsel appearing on behalf of the State Bank of India states that if a representation is received from the appellants, it shall be determined, in accordance with law, within a period of four working days thereafter; under intimation to the appellants.

Directed accordingly.

Needless to state that the right of the appellants to impugn the decision taken by the State Bank of India, on their proposed representation, has been secured by way of the impugned order dated 16th November, 2017 itself; and the former shall be at liberty to assail the decision to be taken, if aggrieved thereby.

Since a plain reading of the impugned order dated 16th November, 2017 is indicative of the circumstance that there was no determination on the merits of the case, the appellants would be at liberty to assail the correctness of the appointments; proposed to be made by the State Bank of India, by filing an appropriate proceeding under Article 226 of the Constitution of India. In this behalf, it is clarified that no opinion expressed by the learned Single Judge in the impugned order dated 16th November, 2017, shall come in the way of determination of a subsequent proceeding that may be instituted on behalf of the appellants.

With the above directions, the appeal is disposed off. Pending applications also stand disposed off.

Copy of the order be given *dasti* to learned counsel for the parties under signature of the Court Master.

SIDDHARTH MRIDUL, J

S.P. GARG, J

DECEMBER 12, 2017

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