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

+ **W.P.(C) 4777/2008 & CM Appln No.9198/2008**

VODAFONE ESSAR MOBILE SERVICES
LTD.

..... Petitioner

Through Mr. Rajiv Nayar, Sr. Adv. with
Mr. Kartik Nayar and Mr. Mohit
Mehta, Advs.

versus

SOCIETY OF CATALYSTS

..... Respondent

Through Mr. Sushil Dutt Salwan, Mr. Arjun
Garg and Mr. Prakhar Srivastava,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.10.2018

1. Mr. Nayar, learned Senior Counsel appearing for the petitioner states, on instructions, that the petitioners shall approach the National Consumer Disputes Redressal Commission (NCDRC) against the order dated 16.05.2008 passed by the State Commission and requests that the present petition be permitted to be withdrawn. He further states that the present petition has been pending in this Court for a considerable time and requests that the said time be excluded for the purposes of computing limitation.
2. Mr. Salwan, learned counsel appearing for the respondent does not object to the withdrawal of the present petition with liberty to file an appeal before the (NCDRC). He, however, states that the costs as deposited should

be directed to be released to the respondent forthwith.

3. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioner to approach the NCDRC to challenge the impugned order dated 16.05.2008. In the event that the petitioner files an appeal before NCDRC within a period of thirty days from today, the same will be considered uninfluenced by the question of delay. Insofar as the cost deposited by the petitioner before this Court is concerned, the same shall be released to the respondent after the period of 45 days. This is subject to any order that may be passed by the NCDRC. Pending application is also disposed of as withdrawn.

VIBHU BAKHRU, J

OCTOBER 31, 2018
dr