

\$~57

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

+ W.P.(C) 8747/2018 & CM No. 33605/2018

INDIAN FARMERS FERTILISER COOPERATIVE
LTD.

..... Petitioner

Through: Mr V. P. Singh, Sr. Advocate, Mr
Rajiv Bansal, Sr. Advocate with Ms
Bindu Saxena, Mr Shailendra
Swarup, Ms Aparajita Swarup and Mr
Dhruv C. Saxena, Advocates.

versus

UNION OF INDIA AND ORS.
Through

..... Respondents

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.08.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 14.08.2018 (hereafter 'the impugned order') issued by respondent no.2 (Appellate Authority & Additional Secretary, Government of India, Ministry of Agriculture & Farmer's Welfare) admitting the review petition against an order dated 28.06.2018, whereby the appeal preferred by respondent no.1 was dismissed as not maintainable.
2. Mr V. P. Singh, learned Senior Counsel appearing for the petitioner submits that the appeal itself was not maintainable and had been rightly dismissed as such. He submits that the officer who had decided the appeal has been transferred and the review is now being heard by another officer.

3. It is apparent from the plain reading of the impugned order that the review petition has not been allowed. Respondent no.2 has merely admitted the review petition by condoning the delay. In other words, he has declined to dismiss the review petition on the ground of limitation. All other contentions regarding the maintainability of the review are available to the petitioner. It is also apparent that the contentions that are sought to be canvassed before this court can be raised before respondent no.2 as well.
4. Respondent no.2 has yet to take a final view whether to allow the review petition and re-consider the appeal.
5. In view of the above, this Court does not consider it apposite to interdict the proceedings before respondent no.2 at this stage. Needless to state that the petitioner would have full opportunity to challenge the order that may be passed – including on the ground that the review petition is barred by limitation – if the petitioner is aggrieved by the same.
6. The petition is disposed of. The pending application is also disposed of.
7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

AUGUST 20, 2018
MK