

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

Date of Order: September 10, 2018

+ W.P.(C) 9478/2018 & C.Ms. 36849-50/2018

M/S AKASHGANGA INFRADEVELOPERS PVT LTD.

..... Petitioner

Through: Mr. Deepak Khosla, Advocate

Versus

RAJENDER SINGH DABAS & ANR.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 24th July, 2018 (*Annexure-9*) vacates the stay on the ground that petitioner herein was not represented before the Financial Commissioner, Delhi.
2. None has appeared on behalf of respondents despite service of advance notice.
3. Learned counsel for petitioner submits that he was preoccupied before this Court and a proxy counsel was given the authority to argue before the Financial Commissioner, Delhi but he was not allowed to argue, as he did not have the written authority to argue the appeal.
4. Even if it is so, petitioner ought to have approached the Financial Commissioner, Delhi with an application under Section 151 CPC to recall the impugned order.

5. At this stage, counsel for petitioner informs that third party interests are being created in respect of subject property. Attention of this Court is drawn to Refusal Order of 29th December, 2017 (*Annexure-10*) to submit that if interim order is not granted, then the petition before the Financial Commissioner would be rendered infructuous.

6. In view of the above, this petition and applications are disposed of while permitting petitioner to file an application under Section 151 CPC before the Financial Commissioner, Delhi, within a week to seek recall of the impugned order. Till then, purely as an interim measure, *status quo* in respect of subject property be maintained. It is expected that the said application would be effectively considered by the Financial Commissioner, Delhi within a period of four weeks. It is made clear the Financial Commissioner is at liberty to vary or vacate the interim relief, if so required.

7. With aforesaid observations, this petition and applications are disposed of.

8. A copy of this order be given *dasti* under the signature of Court master to counsel for petitioner.

(SUNIL GAUR)
JUDGE

SEPTEMBER 10, 2018

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