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

+ **W.P.(C) 13741/2018 & CM APPL. 53606/2018**

RAJENDRA K BHUTA

..... Petitioner

Through Mr Sandeep Sethi, Senior Advocate with
Mr Ashish Verma, Mr Avika Madhura, Advocates.

versus

MAHARASHTRA HOUSING AND AREA
DEVELOPMENT AUTHORITY

..... Respondent

Through Mr Chirag M. Suroff, Ms Neha Sangwan,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.12.2018

1. The petitioner has filed the present petition impugning a judgment dated 14.12.2018 passed by the National Company Law Appellate Tribunal (NCLAT). The petitioner states that an appeal against the said order lies to the Supreme Court, however, since the Supreme Court is currently on vacation, the petitioner has taken recourse to the present remedy. The petitioner prays that the impugned order be stayed for a temporary period to enable the petitioner to approach the Supreme Court.
2. It is pointed out by the learned counsel for the respondent that even though the Supreme Court is not in session, a circular has been issued clearly stating that the matters for urgent listing can be mentioned before the Senior most sitting Judge of the Supreme Court during the period of 14.12.2018 to 19.12.2018 when the Chief Justice would be out of the

country.

3. Plainly, the remedy under Article 226 of the Constitution cannot be resorted to only for the reason that the Supreme Court is not in session.

4. The petition is, accordingly, dismissed leaving it open to the petitioner to avail such remedies as may be advised. The pending application is also disposed of.

DECEMBER 19, 2018

pkv

VIBHU BAKHRU, J