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

+ **FAO(OS) 8/2019 & CAV. Nos. 37/2019 and 38/2019 and CM.
No. 1756/2019**

PANDIT RESTAURANT (UPVAN) & ORS Appellants

Through: Mr. Ashish Mohan, Adv. with
Mr. Shashvat Panda & Mr. Chetan
Rai Wahi, Advs.

versus

**HOTEL & RESTAURANTS ASSOCIATION OF NORTHERN
INDIA (HRANI) & ORS Respondents**

Through: Mr. Sameer Parekh, Mr. Sumit Goel,
Ms. Sonal Gupta & Ms. Tanya
Chaudhry, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **16.01.2019**

CM. No. 1756/2019

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CAV. Nos. 37/2019 and 38/2019

Learned counsel for the caveators has put in appearance.

Caveats stand discharged.

FAO(OS) 8/2019

1. The challenge in the appeal is, to the order dated November 14, 2018.

The only submission made by Mr. Ashish Mohan is that the conclusion of

the learned Single Judge that the appellants 1 to 5 have acted prejudicially to the interest of the Association and / or working against the interest of the Association is unsustainable, as the show cause notice having been addressed to the appellant No. 6 namely Vijay Pande, who cannot be said to be a Member in view of Clause 14(g) of Articles of Association, the said finding is liable to be set aside. He has drawn our attention to the provisions of the Articles of Association.

2. On a specific query, the fact Vijay Pande, the appellant No.6 has been acting as a representative of the appellants 1 to 5, is not denied. If that be so, surely appellants 1 to 5 shall own the conduct of the appellant No.6-Vijay Pande as their own. The *prima facie* view taken by the learned Single Judge is justified. We do not see any reason to interfere in the impugned order. The appeal is dismissed. No costs.

CHIEF JUSTICE

V. KAMESWAR RAO, J

JANUARY 16, 2019/ak