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

+ **W.P.(C) 1876/2019**

MOSER BAER SOLAR LIMITED

..... Petitioner

Through Mr Sajan Poojaya, Senior Advocate with
Mr Rishi Aggarwal, Mr Karan Luthra, Mr Ankit
Barati, Ms Priyanka M.P. Ms Raksha Agarwal,
Advocates.

versus

**MINISTRY OF ELECTRONICS & INFORMATION
TECHNOLOGY**

..... Respondent

Through Mr Akshay Makhija, CGSC with
Mr Aditya Goyal, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.05.2019

REVIEW PET.241/2019

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioner seeks review of the judgment dated 25.02.2019 on the ground that the investment made by the petitioner is above the threshold of ₹1000 crores. It is contended by the learned Senior Counsel appearing on behalf of the petitioner that two relevant documents were not placed before this Court on 25.02.2019. These documents would establish that the extent of investments exceeded the threshold amount. The first document placed by the learned counsel is the CA's certificate dated 11.11.2014, certifying that the accounting of the lease agreement is in compliance with AS-19. The

second document is the guidelines issued by Ministry of Communication and Information Technology confirming that the capital expenditure would also include expenditure on leasing or hire purchase of plant and machinery, subject to the auditor certifying that the transaction was in the nature of financial lease within the meaning of AS-19 issued by Institute of Chartered Accountant of India.

3. The principal question to be addressed is whether the investment made by the petitioner in assets on a financial lease could be considered as investments, even after the petitioner had defaulted in paying the lease rentals for the said assets.

4. List for consideration of the above issue on 28.05.2019 at 2.30 p.m.

VIBHU BAKHRU, J

MAY 27, 2019

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