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

+ **W.P.(C) 4174/2019**

**HELIONS PHOTO VOLTAIC LIMITED** ..... Petitioner

Through: Ms Maneesha Dhir, Ms Varsha  
Banarjee and Mr Kunal Godhwari,  
Advocates.

versus

**MINISTRY OF ELECTRONICS AND INFORMATION  
TECHNOLOGY** ..... Respondent

Through

**CORAM:  
HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
% **23.04.2019**

**CM No.18796/2019**

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the Ministry of Electronics and Information Technology to disburse the subsidy amount of ₹56,00,00,000/- (Rupees 56 crores). The petitioner claims that it is entitled to the said subsidy under the Special Incentive Package.

3. Ms Dhir, the learned counsel appearing for the petitioner fairly states that the petitioner had filed a writ petition before the Punjab and Haryana High Court (being CWP No.22826/2018 captioned '*Helios Photo Voltaic Ltd. v. Oriental Bank of Commerce and Others*'), *inter alia*, seeking a similar

relief. In addition, the petitioner had also challenged the RBI circular dated 12.02.2018. She submits that the said petition was withdrawn to avail of other remedies.

4. The challenge to the RBI circular dated 12.02.2018 has been authoritatively settled by the decision of the Supreme Court, and the petitioner has approached this Court with regard to its second grievance, namely, non disbursal of the subsidy.

5. It is apparent from the order dated 10.09.2018 passed by the Punjab and Haryana High Court in CWP 22826/2018, that the petitioner had sought withdrawal of the said petition to approach the National Company Law Tribunal. In the aforesaid context, the petition was dismissed as withdrawn with a clarification that it would be open for the petitioner to take recourse to the remedies as may be available to it.

6. Considering that the petitioner had approached the Punjab and Haryana High Court for a similar relief as sought in the present petition and had withdrawn the said petition, this Court does not consider it apposite to entertain this petition. The same is, accordingly, disposed of leaving it open for the petitioner to either approach the Punjab and Haryana High Court, or to file afresh after seeking appropriate clarification from that Court.

**VIBHU BAKHRU, J**

**APRIL 23, 2019**  
**MK**