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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1371/2020**
ASSOCIATION OF POWER PRODUCERS Petitioner
Through: Mr. Vishrov Mukherjee and
Mr. Girik Bhalla, Advocate
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Chetan Sharma, ASG with
Mr. Jasmeet Singh, CGSC, Mr. Sahaj Garg,
Mr. R.V. Prabhat, Mr. Amit Gupta, Mr.
Anish Roy and Mr. Srivats Kaushal,
Advocate for UOI.
Mr. Vaibhav Agnihotri and Mr. Karanjot
Singh Mainee, Advocates for R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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25.08.2020

HEARD THROUGH VIDEOCONFERENCING

CM 20332/2020 (on b/o petitioner for withdrawal of the writ petition),
W.P.(C) 1371/2020 and C.M. No.4806/2020 (for stay)

1. This application has been moved by the petitioner/Association praying *inter alia* for permission to withdraw the writ petition on the ground that the present petition was filed in a representative capacity on behalf of the members of the petitioner/Association and in an auction under the Scheme Document dated 20.12.2019, conducted on 05.02.2020, some members had participated and have emerged as successful bidders. Learned counsel for the petitioner states that the petitioner seeks leave to withdraw the present petition without prejudice to the contentions raised in the writ petition. Further, the petitioner/Association reserves its right to challenge the discrimination between IPPs and GPGOGs.

2. We may note that the petitioner being an Association comprising of several members, there can again be an eventually where some of the members will participate in the auction and declared as successful. Therefore, we see no reason why the petitioner/Association should approach the court for relief. If a member of the petitioner/Association is aggrieved, it shall be entitled to seek legal recourse and raise all the pleas that have been taken in the present petition.

3. At this stage, Mr. Agnihotri, Advocate, who appears for the respondent No.3 states that counsel for the petitioner/Association has not even filed a list of its members and if the right of the members of the petitioner/Association are being reserved, then learned counsel for the petitioner should at least be called upon to file the list of the members of the petitioner/Association. Learned counsel for the petitioner states that the said list shall be filed within one week with copy to the counsel for the respondents.

4. In view of the aforesaid submission, the application is allowed. The present petition is dismissed as withdrawn along with the pending application with liberty granted to the members of the petitioner/Association to seek independent legal recourse against the respondents, if so advised.

5. Interim orders stand vacated.

6. The date of 09.09.2020, already fixed in the matter stands cancelled.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

AUGUST 25, 2020

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