

\$~13

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

% *Date of Decision: 05th October, 2021*

+ W.P.(C) 3536/2020 & CM APPL. 12580/2020 (Stay), 2088/2021
(Impleadment of R-5), 9900/2021 (Amendment of petition)

FOZIA RAHMAN Petitioner

Through None.

versus

UNION OF INDIA AND ORS Respondents

Through Mr. Chetan Sharma, Additional
Solicitor General with Mr. Amit Mahajan, Central
Government Standing Counsel with Mr. R.V.
Prabhat, Mr. Amit Gupta, Mr. Vinay Yadav,
Mr. Akshay Gadeock and Mr. Sahaj Garg,
Advocates for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. Present writ petition has been preferred seeking the following reliefs:-

“(i) Issue a writ of quo warranto or any other appropriate writ, order or direction thereby quashing the impugned Notification no. S.O. 1049(E) [F. No. A-12023/4/2019-Ad-IV] dated 12.03.2020 issued by the Respondent No. 1 appointing the Justice (Retd.) Shri Bansi Lal Bhat as officiating Chairperson of the Hon'ble NCLAT;

(ii) Issue an appropriate writ, order or direction thereby quashing / setting aside Rule 10 of the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Condition of Service of Members) Rules, 2020, if it is to be read/interpreted as permitting the Central Government to appoint any Member, irrespective of their Seniority, as

“Acting/Officiating Chairperson” of the NCLAT in the event of the occurrence of any vacancy as well as being ultra vires to Section 415 of the Companies Act, 2013 and other relevant provisions of the Companies Act, 2013

(iii) Issue a writ of mandamus commanding the Respondent No. 1 to appoint an officiating/Acting Chairperson of the Hon'ble NCLAT as per relevant applicable laws and rule;

(iv) Issue such other writ, direction or order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

2. When the matter is called out, there is no appearance on behalf of the Petitioner.
3. We have heard learned counsel appearing on behalf of Respondent No. 1, who submits that Justice (Retd.) Shri Bansi Lal Bhat, who was appointed as Officiating Chairman of National Company Law Appellate Tribunal (NCLAT) and whose appointment was assailed in the present petition, is no longer holding the said office and the relief sought is now infructuous.
4. In view of the aforesaid submission, we are of the view that the relief sought in the writ petition has become infructuous and no purpose will be served in keeping the same pending.
5. Petition is accordingly disposed of along with pending applications.

CHIEF JUSTICE

JYOTI SINGH, J

OCTOBER 05, 2021

rk

W.P.(C) 3536/2020

Page 2 of 2