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

+ **W.P.(C) 5358/2024**

PEARL PRECISION PRODUCTS PVT LTD Petitioner

Through: **Mr. Mahip Singh, Mr. Krishan Kumar and Ms. Himani Yadav, Advs.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Ms. Shiva Lakshmi, CGSC with Ms. Vidhi Gupta (GP) and Ms. Saloni Narayan, Advs. for R-1 and R-2
Ms. Usha Jamnal, Adv. for R-3**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% 15.04.2024

1. This hearing is being conducted through hybrid mode.
2. The petitioners are invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking the following reliefs:-

- a. Pass an order/direction/writ in the nature of certiorari and or any other order/direction/writ which this Hon'ble Court deems fit setting aside / quashing the Impugned Order dated 23.01.2024 passed by Respondent No. 2 u/s 16 of the Companies Act, 2013; and/or
- b. Allow the settlement agreement dated 7th February 2024 to be taken on record;

3. Learned counsel for respondent No.2 is present on advance notice.

4. Learned counsel for respondent No.3 is also present on advance notice. It is acknowledged on behalf of respondent No.3 that the



parties have entered into an amicable settlement after passing of the impugned order dated 23.01.2024. Learned counsel for respondent No.3 also acknowledges the Memorandum of Settlement arrived at between the parties dated 07.02.2024.

5. Learned Standing Counsel for respondent No.2/Regional Director, Office of the Regional Director (Northern Region), Ministry of Corporate Affairs has submitted that respondent no. 2 was not informed that settlement talks were ongoing between the parties and it is urged that he petitioner should have made a fresh representation before respondent No.2 praying that no impugned order passed under Section 16 of the Companies Act, 2013 may be recalled. However, it is the admitted position that respondent No.2 is not vested with any express or inherent powers to review its own order.

6. In view of the settlement arrived at between the parties *vide* MoU dated 07.02.2024, the impugned order dated 23.01.2024 passed by respondent No.2 is hereby quashed.

7. The present petition is disposed of accordingly.

DHARMESH SHARMA, J.

APRIL 15, 2024

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