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

+ **LPA 742/2024 & CM APPL. 44055-44057/2024**

EXCLUSIVE CAPITAL PVT. LTD.

.....Appellant

Through: Mr Rajshekhar Rao, Sr Advocate with
Mr. Avishkar Singhvi, Mr. Shivam
Gaur, Mr. Kshitij Joshi and
Mr.Aryan Kumar, Advocates.

versus

EVAAN HOLDINGS PVT. LTD. & ORS.

.....Respondents

Through: Mr Parag Tripathi, Sr. Advocate with
Mr. Annirudh Sharma, Ms. Devika
Mohan and Ms. Sonali Sharma,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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09.08.2024

[Physical Hearing/Hybrid Hearing (as per request)]

1. This appeal is directed against the judgment and order dated 24.07.2024, passed by the learned Single Judge.
2. A perusal of the order would show that after some preliminary observations, the learned Single Judge has merely issued notice in the writ petition. No interim order has been passed.
3. We may also observe that the learned counsel for the appellant, however, is aggrieved by certain observations made in the impugned judgment and order.



4. It is the contention of the learned counsel for the appellant that preliminary objections with regard to the maintainability of the writ action were raised, which have not been considered.
5. According to the learned counsel for the appellant, the observations made in the impugned judgment and order would impact the conclusions that the RBI may arrive at, while framing its status report.
6. We have heard the learned counsel for the appellant at some length.
7. In our view, at the moment, the appeal is premature. The learned Single Judge has not ruled one way or the other, i.e., either on the preliminary objections concerning maintainability of the writ action or on the merits of the matter.
8. It is our sense that the observations are exploratory at this stage and do not advert to the final decision on the issues concerning preliminary objections or *qua* the merits.
9. The appeal is, accordingly, closed.
10. Needless to add, the parties will have their complete say before the learned Single Judge.
11. It is expected that RBI will submit its report uninfluenced by the observations made in the impugned judgment and order.
12. As far as this Court is concerned, clearly, we have not expressed any view on the merits of the case.
13. The pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 9, 2024/PB

Click here to check corrigendum, if any