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

+ LPA 634/2025 & CM APPLs. 64739-41/2025

INDIAN OIL CORPORATION LIMITEDAppellant

Through: Ms. Vineeta Meharia, Sr. Adv., Mr.
Amit Meharia, Ms. Tannishtha Singh,
Mr. Sambhav, Advs.

versus

SOUMITRA SEN & ORS.Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER
14.10.2025

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1. It is contended by learned Counsel appearing on behalf of the Appellant that the impugned order has been passed in the absence of the learned Counsel for the Appellant and it is the case of the Appellant that the issue in *Indian Oil Corporation Limited v. Retired Officers Welfare Society & Ors.* in LPAs 363-364/2025 is not similar to the present case. She also states that the arguments regarding the **fact that the W.P.(C) 13852/2025** seeks to revive is still pending and amongst other grounds, has not been considered. Since the order has been passed in the absence of the learned counsel for the Appellant, this Court gives suggestion to the learned Senior Counsel appearing for the Appellant to approach the learned Single Judge again and to pray for recall of the impugned order. Learned Senior



Counsel for the Appellant has accepted the suggestions given by this Court and seeks to withdraw the instant LPA, with liberty to move to learned Single Judge for the recall of the order dated 09.09.2025, pointing out that the submissions made by learned Counsel for the Petitioner that the issues are identical is not correct and also that the equitable remedy under Article 226 should not be exercised in the facts of the present case.

2. It is made clear that this Court has not made any observations in the merits of the matter.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

OCTOBER 14, 2025

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