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

+ **W.P.(C) 2887/2024 & CM APPL. 11843/2024**

SUPERTECH ENGINEERS

..... Petitioner

Through: Mr. Sidharth Chopra, Mr. Ashim Dua
and Mr. Navneet Thakran, Advocates.

versus

GAIL INDIA LIMITED AND ANR.

..... Respondents

Through: Ms. Eshna Kumar, Mr. Lakshmi Kant
Srivastava, and Mr. Akshat
Mashewari, Advocates for R-1.
Mr. Samiron Borkataky, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
02.04.2024

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1. Petitioner has approached this Court with the following prayers:

“a. Issue a writ of mandamus or any other writ, orders or directions to Respondent No.1 to allow the representation of the Petitioner dated 20.11.2023.

b. Issue a writ of mandamus or any other writ, orders or directions to Respondent No.1 and Respondent No.2 to hand over the materials/ equipment's/ goods/ tools and tackles that solely belongs to the Petitioner.

c. Pass such other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstance of the case.”

2. It is stated that the Petitioner was engaged by Respondent No.2 herein



for various works at its Mangalore site. It is stated that Respondent No.2 has gone through CIRP proceedings and has now been taken over by Respondent No.1. The Petitioner has given a representation to the Respondent No.1 on 14.07.2023 for permission to remove the goods lying at the site.

3. Learned Counsel for Respondent No.1 raises a preliminary objection that in view of an alternate efficacious remedy is available to the Petitioner by way of challenging the Order passed by the NCLT the Writ Petition should not be entertained.

4. At this juncture, this Court is not entering into the dispute as to whether the prayer sought for by the Petitioner in the representation is amenable to the present Writ Petition or not in presence of an alternate remedy to the Petitioner. However, in view of the fact that a representation has been given by the Petitioner, this Court is inclined to direct the Respondents to consider the representation in six weeks.

5. With these directions, the Writ Petition is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

APRIL 2, 2024

Rahul