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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7966/2023

VENKATESHWARA HATCHERIES PRIVATE LIMITED

..... Petitioner

Through: Mr.Aman Lekhi and Mr.Arijit Prasad,
Senior Advocates with Mr.Vishal
Khattar, Ms.Vandana Kapoor,
Ms.Shristi Bhargava and Ms.Aneesha
Sharma, Advocates

versus

**UNION OF INDIA, MINISTRY OF FINANCE, DEPARTMENT OF
ECONOMIC AFFAIRS & ORS.**

..... Respondents

Through: Mr.Ravi Prakash (CGSC) with
Mr.Farman Ali, Mr.Abhishek Khanna
and Ms.Usha, Advocates for R-
1/UOI.
Mr.Zoheb Hossain, Spl. PP with
Mr.Vivek Gurnani, Mr Husnain
Khwaja and Mr.Kartik Sabharwal,
Advocates for ED

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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07.06.2023

CM APPL Nos. 30647/2023 and 30648/2023 (for exemptions)

Subject to the petitioner filing the clear, original and legible/typed
copies of any documents on which the petitioner may seek to place
reliance, within four weeks from today, exemption is granted for the present.

The applications are disposed of.

W.P.(C) 7966/2023 and CM APPL. No. 30646/2023

1. The present writ petition under Article 226 of the Constitution of
India has been filed by the petitioner seeking the following reliefs:



“i. Issue a writ in the nature a writ in the nature of certiorari or any other order, writ or direction quashing order dated 06.03.2023 (Annexure P-2) and order dated 31.03.2023 (Annexure P-4) passed by respondent No 3 whereby an application for 'No Objection' for financial commitment/remittance of GBP 26 Million (1.e. Rupees Two Hundred and Sixty Crores approximately) to its wholly owned subsidiaries in London, United Kingdom namely Venky's London Limited, Venkateshwara London Limited and Venky's Overseas Limited by way of equity subscription for meeting its financial obligations, has been rejected by a cryptic non-speaking order which is unfair and arbitrary;

ii. Issue a writ in the nature of mandamus or any other writ, order or direction directing Respondent No.3 to immediately permit the petitioner to make the financial commitments/ remittance of GBP 26 Million (1.e. Rupees Two Hundred and Sixty Crores approximately) to its wholly owned subsidiaries In London, United Kingdom namely Venky's London Limited, Venkateshwara London Limited and Venky's Overseas Limited by way of equity subscription for meeting its financial obligations;

Interim Relief: issue any other writ, order or direction staying the operation of impugned order dated 06.03.2023 (Annexure P-2) and order dated 31.03.2023 (Annexure P-4) passed by respondent No 3 and further directing Respondents to immediately permit the petitioner by way of Interim relief to make financial commitments and payments of GBP 26 Million (1.c. Rupees Two Hundred and Sixty Crores approximately) to Rs wholly owned subsidiaries in London, United Kingdom namely Venky's London Limited, Venkateshwara London Limited and Venky's Overseas Limited, by way of equity subscription for meeting its financial obligations till the time present writ petition is pending before this Hon'ble Court subject to any reasonable condition that may be imposed by this Hon'ble Court.

iv. For grant of any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

v. For grant of any other appropriate writ, order or direction



which this Hon'ble Court may deem fit and proper s the facts and circumstances of the case.

vi. dispense with the condition of serving prior notices upon the respondents;

vii. award the cost of the writ petition to the Petitioner. ”

2. The learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is a company registered under the Companies Act, 1956 and is aggrieved of the impugned order dated 6th March, 2023 and the order dated 31st March, 2023 whereby applications for ‘No Objection’ for financial commitments/remittance of GBP 26 Million to its wholly owned subsidiaries in London, United Kingdom, namely, Venky’s London Limited, Venkateshwara London Limited and Venky’s Overseas Limited, by way of equity subscription for meeting its financial obligations has been rejected by a cryptic non-speaking order.

3. Heard the learned counsel appearing on behalf of the petitioner in detail and perused the record.

4. Issue notice. Learned counsels appearing on behalf of the respondents accept notice and vehemently opposed the present petition. The learned counsel appearing for the respondents prayed for some time to file counter affidavit to the present petition. Let the same be filed within a period of 10 days.

5. List on 23rd June, 2023.

**CHANDRA DHARI SINGH
(VACATION JUDGE)**

JUNE 7, 2023
SV/AS

[Click here to check corrigendum, if any](#)