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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 217/2023 CM APPL. 53233/2023 CM APPL.

64918/2023

PEPSICO, INC. & ANR.

..... Appellants

Through: Mr. Dayan Krishnan, Sr Advocate
with Mr. Manish K Jha, Ms. Avni
Sharma, Mr. Angad Baxi, Mr. Aadhar
Nautiyal, Advocates.

versus

PARLE AGRO PRIVATE LIMITED

..... Respondent

Through: Mr. Sudhir Chandra and Mr. C.M. Lall,
Sr Advocates with Mr. Ankur Sangal,
Ms. Bhagya Mishra, Mr. Shaswat
Rakshit, Mr. Shaurya Pandey and
Mr. Abhinav, Advocates for
respondent.

Mr. Shailen Bhatia, Mr. Raghav Bhalla
and Ms. Sheril Bhatia, Advocates for
applicant – Mr. Basant Kumar
Makhija & Ors. for Intervenor
Mr. Pravin Anand, Ms. Vaishali Mittal,
Mr. Siddhant Chamola and
Mr. Shivang Sharma, Advocates for
Dharampal Satyapal Ltd.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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10.04.2024

**CM APPL. 21444/2024 (for intervening by Mr. Basant Kumar Makhija
& Ors)**

1. This application is filed by the applicant to intervene in the present matter. The learned counsel appearing for the applicant points out that the intervention application was filed pursuant to a statement made before the



Supreme Court by the learned counsel for the intervener in Special Leave Petition (C) No(s). 3236/2024 (SLP) at the time of withdrawing the SLP, to the effect that intervener will take steps to approach the Division Bench of this Court which is hearing a matter with a similar issue.

2. Learned counsel for the intervener further submits that the intervener is aggrieved by the judgment dated 17.10.2023 passed by the learned Single Judge in CS (COMM) No.806/2017. The said judgment relies on the judgment dated 18.09.2023 which is the subject matter of the present appeal. The intervener has also filed a separate appeal being FAO(OS) (COMM) 68/2024, which was listed yesterday before this Court. This Court *vide* order dated 09.04.2024 in FAO(OS) COMM 68/2024, had directed that the said appeal be listed before another Bench on 25.04.2024.

3. Given the statement that the issues involved in both the appeals are similar, we consider it apposite to direct that the present appeal be also listed along with FAO(OS) (COMM) 68/2024 before another Bench on 25.04.2024, of which one of us, (Vibhu Bakhru, J.) is not a member, subject to orders of Hon'ble the Acting Chief Justice.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 10, 2024

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