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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2434/2014 & CM APPLs. 5067-5068/2014

BSES YAMUNA POWER LIMITED

..... Petitioner

Through: Mr. Anupam Varma, Advocate with
Mr. Nikhil Sharma and Mr. Rahul Kinra,
Advocates.

versus

RAJ PAL SINGH AND ORS

..... Respondents

Through: Mr. Arun K. Chauhan, Advocate with
Mr. M.S. Negi, Advocate for respondent
No.1.
Ms. Aayushi Gupta, Advocate for
Mr. Raman Duggal, Advocate for
respondents No.2 and 3.

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Date of Decision : 18th September, 2015

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed challenging the order dated 27th November, 2013 passed by the Department of Power, GNCT of Delhi and for declaring the finding of the Appellate Authority as void ab initio.
2. Mr. Anupam Varma, learned counsel for petitioner states that the Appellate Authority has decided the matter without giving an opportunity of hearing to the petitioner. He contends that the Appellate Authority has not even communicated to the petitioner either the impugned order or its reasoned decision.

3. Mr. Varma states that the only communications dated 04th July, 2012 and 27th November, 2013 received from the Department of Power, GNCT of Delhi intimated the petitioner of the fact that the Appellate Authority ED (T) of DTL before his superannuation had decided the matter on the file and furnished the same to the Department of Power, GNCT of Delhi.
4. Since an allegation of violation of natural justice has been made and it is stated that it is not practically feasible keeping in view the width of the road to install a unitized sub-station, this Court remands the matter back to the Appellate Authority.
5. Parties are directed to appear before the Deputy Secretary, Power, GNCT of Delhi on 05th October, 2015 at 3:00 p.m., who shall mark the case to the Appellate Authority on the said date.
6. Keeping in view the urgency of the matter, the Appellate Authority is directed to dispose of the petitioner's appeal after giving an opportunity of hearing within a period of eight weeks.
7. With the aforesaid directions, the order dated 27th November, 2013 and 04th July, 2012 are set aside.
8. Accordingly, the present writ petition and application are disposed of.
9. However, this Court makes it clear that it has not expressed any opinion on the merits of the controversy. Rights and contentions of all parties are left open.

MANMOHAN, J

SEPTEMBER 18, 2015

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