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

+ RSA 50/2016 & CM No.5732/2016 (stay)

DELHI POWER COMPANY LTD

..... Appellant

Through: Mr. Dinesh Agnani, Sr. Adv. Mr.
S.K.Chaturvedi, Sr. Adv. with Mr.
Malay Dwivedi, Advocate.
Mr. Rajesh Jain DM Legal and Mr.
Gaurav Gupta, Manager DTL.

versus

K L SHARMA & ORS

..... Respondents

Through: Mr. Surender Chauhan, Mr. Sajjan
Singh Chauhan and Mr. Govind
Narayan Kaushik, Advocates for R-1.
Mr. Sandeep Prabhakar and Mr.
Vikas Mehta, Advocate for R-
3/BYPL.
Mr. Sumit Pushkarna, standing
counsel for Pension Trust.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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07.11.2016

1. This RSA is disposed with consent of all the parties that the suit filed by the respondent no.1/plaintiff will stand revived at the stage of pleadings wherein there will be an additional defendant-M/s Yamuna Power Limited. After completion of pleadings issues will be framed and suit will be decided afresh. However, in the meanwhile, the appellant will continue to

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pay, for which an undertaking is given to this Court, the monetary benefits as granted to the respondent no.1/plaintiff by the judgment and decree of the trial court dated 19.11.2005 with the rider that in case the appellant succeeds in showing that the liability towards the respondent/plaintiff/erstwhile employee of DVB is not upon the appellant but is upon a particular DISCOM whether it is Yamuna Power Limited or any other DISCOM, then, from such other DISCOM the appellant can recover the amount which will be paid as per today's order to the respondent no.1/plaintiff and in fact the appellant can also add any other DISCOM in the suit before the trial court in substitution of Yamuna Power Limited, and which entity would be the successor entity to whom the services of the respondent no.1/plaintiff would in law stand transferred to.

2. Counsel for the respondent no.1/plaintiff is at liberty to recover, in accordance with law, any enhancement in the pension amount from the Pension Trust, and for which liberty is granted to the respondent no.1/plaintiff to file appropriate independent proceedings or to amend the plaint to seek enhanced amount from the Pension Trust/R-2.

3. Parties are directed to ensure that the respective pleadings are

positively completed within a period of six weeks of the first date fixed before the concerned competent trial court. Trial court is also requested to expedite the disposal of the suit and none of the parties will be given more than three opportunities to lead evidence in the case, failing which the right to lead evidence of such a party will stand closed.

4. This appeal will stand disposed of accordingly with the suit being revived as per the aforesaid directions and execution petition filed by the respondent no.1/plaintiff is not pressed because the decree dated 19.11.2005 has been agreed to be complied with by the parties subject of course to the observations made hereinabove and the decree which will now be passed in the suit.

5. Parties to appear before the District and Sessions Judge(East) Karkardooma Courts, Delhi on 3rd December, 2016 and the District and Sessions Judge will mark the suit for disposal to a competent court in accordance with law and the observations made in the present order.

VALMIKI J. MEHTA, J

NOVEMBER 07, 2016

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