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

+ W.P.(C) 10295/2017

M/S BCH ELECTRIC LIMITED NEW DELHI Petitioner

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Gulshan Chawla, Advocate

versus

SHAILENDRA GUPTA Respondent

Through: Mr. Saurabh Prakash, Advocate

WITH

+ W.P.(C) 10317/2017

M/S BCH ELECTRIC LIMITED NEW DELHI Petitioner

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Gulshan Chawla, Advocate

versus

SUPRIYO MUKHERJEE Respondent

Through: Mr. Saurabh Prakash, Advocate

WITH

+ W.P.(C) 10318/2017

M/S BCH ELECTRIC LIMITED NEW DELHI Petitioner

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Gulshan Chawla, Advocate

versus

PRADEEP MEHRA Respondent

Through: Mr. Saurabh Prakash, Advocate

WITH

+ W.P.(C) 10319/2017
M/S BCH ELECTRIC LIMITED Petitioner
Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Gulshan Chawla, Advocate

versus

SH. DIBYENDU BHATTACHARJEE Respondent
Through: Mr. Saurabh Prakash, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **22.11.2017**

CAV No.996/2017 in WP(C) No.10317/2017

CAV No.997/2017 in WP(C) No.10318/2017

CAV No.998/2017 in WP(C) No.10319/2017

Since there is due representation on behalf of the respondents,
notice of caveat stands discharged.

WP(C) Nos.10295/2017 & CM Nos.41968-70/2017

WP(C) Nos.10317/2017 & CM Nos.42073-75/2017

WP(C) Nos.10318/2017 & CM Nos.42076-78/2017

WP(C) Nos.10319/2017 & CM Nos.42079-81/2017

Mr. Rajiv Nayyar, learned Senior Counsel for the petitioner submitted that the petitioner was not granted opportunity of being heard and even the Appellate Authority did not consider the application dated 10.10.2017, requesting for complete waiver of pre-deposit of the amount, as determined by the controlling authority. Learned senior counsel, after some arguments, submitted that the petitioner is ready to furnish a bank guarantee to the tune of the impugned amount, including the interest. Learned counsel for the respondents submitted that he has no objection in case the matters are

remanded to the appellate authority, in view of the aforesaid submissions, for consideration. Learned Senior Counsel further submitted that the petitioner shall get the bank guarantee renewed after every six months. In view of these submissions, the impugned orders dated 31.7.2017 [in Appeal Nos. ALC-I/36 (202)/2016-NK, ALC-I/36 (200)/2016-NK, ALC-I/36 (203)/2016-NK and ALC-I/36 (201)/2016-NK respectively] and 16.10.2017 [in Appeal Nos. ND 36(23) 2017- P.A.DYC, ND 36(24) 2017- P.A.DYC, ND 36(26) 2017- P.A.DYC and ND 36(25) 2017- P.A.DYC respectively], are set aside. The petitioner is directed to submit bank guarantee to the tune of the impugned amount, including interest up till date in each appeal, before the Appellate Authority, within two weeks from the date of this order, initially for six months. Only after furnishing of bank guarantees in each appeal, shall the Appellate Authority hear the matters on merits and decide the same preferably within six months. The petitioner shall get the bank guarantee renewed in each appeal well before its expiry. However, if the petitioner does not get the bank guarantee renewed from time to time and if the appeal is not decided within the period, the bank guarantee remains in force, then the appeal may be dismissed. It is clarified that this order should not be treated as a precedent.

Learned counsels for the parties submitted that a date may be fixed to appear before the Appellate Authority. Accordingly, both the parties are directed to appear before the Appellate Authority on 15.12.2017 at 3:00 pm.

The writ petitions are disposed of. All the pending applications are also disposed of.

Dasti.

CHANDER SHEKHAR, J

NOVEMBER 22, 2017

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