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

+ W.P.(C) 6709/2018, CM No. 25464/2018

UMESH KUMAR VERMA

..... Petitioner

Through: Mr.Vivek Sood, Sr. Adv. with  
Ms.Geeta Aggarwal, Mr.Vivek  
Narayan Sharma, Mr.Siddharth  
Gupta, Advs.

versus

BSES YAMUNA POWER LTD

..... Respondent

Through: Mr.Manish Kumar Srivastava, Adv

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**O R D E R**

% **02.08.2018**

Even though, an affidavit has been filed by the respondent taking an objection on the maintainability of the writ petition, Mr. Vivek Sood, learned Senior Counsel appearing for the petitioner states, instead of relegating the petitioner to Special Court, he would be satisfied if this Court decides the issue, whether on the ground of breach of natural justice, the impugned order dated April 3, 2018, passed by the respondent, need to be set aside.

Mr. Srivastava, learned counsel appearing for the respondent states, as

the relevant provisions do not provide an opportunity of hearing be given to the petitioner before a speaking order is passed, the show cause notice was not issued. He states, the respondent is willing to give a hearing to the petitioner provided the petitioner complies with the order of this Court dated June 27, 2018, whereby this Court had granted an interim protection to the petitioner, subject to the petitioner depositing Rs. 35 lakhs with the respondent, as according to him, the said amount has still not been deposited. Mr. Sood states, the petitioner did make an attempt to deposit the said amount with the respondent, but the same was not accepted by the respondent. This submission of Mr. Sood is disputed by Mr. Srivastava.

Be that as it may, it is directed, the petitioner shall deposit the amount of Rs. 35 lakhs with the respondent within one week from today. The petitioner shall file a response to the impugned speaking order, (which shall be treated as a show cause to the petitioner), within three weeks from today along with a copy of the receipt showing deposit of Rs 35 lakhs. On the receipt of the reply from the petitioner, the concerned Officer shall notify a date and time to the petitioner for personal appearance / hearing. The Officer concerned shall pass a speaking order, within two weeks from the date of hearing. If the petitioner is still aggrieved by the speaking order to

be passed by the Officer, liberty is with the petitioner to seek such remedy as available in accordance with the law.

The writ petition is disposed of. Till such time, the speaking order is passed by the respondent, no coercive action shall be taken against the petitioner. It is made clear that if the amount of Rs. 35 lakhs is not deposited by the petitioner with the respondent within stipulated time, no hearing shall be granted by the Officer concerned.

**V. KAMESWAR RAO, J**

**AUGUST 02, 2018/akb**