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

+ **W.P.(C) 9879/2024**

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.....Petitioner

Through: Mr. Gopal Sankaranarayanan, Senior Advocate with Ms. Shrutanjaya Bhardwaj, Advocate along with Petitioner in person.

versus

DELHI TRANSPORT CORPORATION (HQ) & ANR.

.....Respondents

Through: Mr. Rikky Gupta, Standing Counsel with Ms. Ananya Singh, Advocate for DTC along with Mr. Yogesh Kr. Verma, Senior Manager and Mr. Amit Singh, Manager Law.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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07.08.2024

CM APPL. 45092/2024(u/S 151 of CPC on behalf of Petitioner seeking clarification/ modification of order dated 01st August, 2024)

1. The petition was disposed of on 22nd July, 2024 on the basis of the Respondents' statement.
2. Subsequently, on Respondents' application, the order dated 22nd July, 2024 was clarified as under:

“6. Counsel for the parties have been heard.

7. It is noted that the Respondents had initiated action under POSH Act, on the basis of the intimation received from the police dated 22nd April, 2024 and not Suo Moto. This fact is not in dispute and shall be read



in the order dated 22nd July, 2024.

8. *It is further clarified that the order dated 22nd July, 2024, does not express any opinion of this Court with respect to Petitioner's allegations against the Internal Complaints Committee in the petition. In fact, to that extent, counsel for the Petitioner had expressly withdrawn such allegations and explicitly stated that the Petitioner does not wish to continue with the POSH proceedings.*

9. *Therefore, in order to rule out any ambiguity, it is clarified that the Court has not given any comment on the allegations of bias made by the Petitioner against the Internal Complaints Committee and all such allegations stand expressly withdrawn. The order dated 22nd July, 2024 is clarified as such.*

10. *With the above directions, the present application is disposed of.”*
[Emphasis supplied]

3. Now, Petitioner has filed the instant application for modification of the afore-noted order. Mr. Gopal Sankaranarayanan, Senior Counsel for Petitioner, contends that the underlined portion in the above extract indicates that Petitioner has withdrawn her allegations of bias and foul play against the Internal Complaints Committee, which was not stated in the hearing held on 22nd July, 2024 or 01st August, 2024. He submits that they stand by the allegations of bias and *malafide* as well as other averments regarding the constitution of the Committee.

4. In the opinion of the Court, if according to Petitioner, no such statement was made during the hearing and the Court's order incorrectly notes their submission, this aspect must be clarified.

5. Accordingly, the order dated 01st August, 2024 shall be read as under:

“5. Respondent No. 2 has now applied for a clarification and modification of the said order. It is urged that the statement made by Respondent No. 2 as recorded in the said order, was subject to “unconditional withdrawal” of the allegations of sexual harassment that are covered under Sexual Harassment of Women at Workplace Act, 2013. However, this aspect of “unconditional withdrawal” of allegations, has not been noted, despite a categorical assertion made by the counsel to this effect. It is also argued that the proceedings under the POSH Act were initiated by Respondent No. 2 on the basis of the information received



from the police through letter dated 22nd April, 2024. The counsel thus urges that the order passed by this Court, without a clarification on the above aspects may be construed as acceptance of Petitioner's allegations of bias which were made against the Internal Complaints Committee of Delhi Transport Corporation.

6. *Counsel for the parties have been heard.*

7. *It is noted that the Respondents had initiated action under POSH Act, on the basis of the intimation received from the police dated 22nd April, 2024 and not Suo Moto. This fact is not in dispute and shall be read in the order dated 22nd July, 2024.*

8. *It is further clarified that the order dated 22nd July, 2024, does not express any opinion of this Court with respect to Petitioner's allegations against the Internal Complaints Committee in the petition. In fact, counsel for the Petitioner had explicitly stated that the Petitioner does not wish to continue with the POSH proceedings.*

9. *Therefore, in order to rule out any ambiguity, it is clarified that the Court has not given any comment on the allegations of bias made by the Petitioner against the Internal Complaints Committee. The order dated 22nd July, 2024 is clarified as such.*

10. *With the above directions, the present application is disposed of."*

6. With the above directions, the present application is disposed of.

SANJEEV NARULA, J

AUGUST 7, 2024/d.negi