



2024:DHC:8260-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14756/2024, CM APPL. 61992/2024**
GHAMMI

.....Petitioner
Through: Mr. Anil Mittal, Mr. Atul
Chauhan, Advs.

versus

NATIONAL INSTITUTE OF SOLAR ENERGY
.....Respondent
Through: Mr. Piyush Gaur, Mr. Gauraan
Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER (ORAL)
21.10.2024

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CM APPL. 61992/2024 [Exemption]

1. Exemption allowed, subject to all just exceptions.
2. The application is allowed.

W.P.(C) 14756/2024

3. OA 708/2014 was disposed of, by the learned Central Administrative Tribunal¹ vide order dated 12 December 2018.

Signature Not Verified¹ "The learned Tribunal" hereinafter

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KUMAR W.P.(C) 14756/2024
Signing Date: 24.10.2024
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4. Consequent on disposal, the petitioner moved MA 394/2020 in the aforesaid OA, seeking permission to amend the memo of parties in the OA and a direction to the Ministry of Renewable Resources to comply with the order dated 12 December 2018.

5. We make it clear that we are not commenting on the merits of this application and as to whether the petitioner would be entitled to the relief that are sought therein.

6. As it happened, the respondent filed RA 206/2019, seeking review of the judgment dated 12 December 2018 *supra* passed by the learned Tribunal in the OA. The said Review Petition came to be dismissed by the learned Tribunal by the impugned order dated 7 October 2022 with costs of ₹ 25,000/-. Against the said order, the respondent is already in writ before this Court by way of WP(C) 13536/2023 which is listed today.

7. The petitioner has been provoked to file the present petition because of the concluding para 11 of the order dated 7 October 2022, which disposes of "all associated MAs" accordingly. As a result, Mr. Mittal, learned Counsel for the petitioner submits that MA 394/2020 also got disposed of, without a hearing.

8. It goes without saying that whatever be the merits or otherwise of MA 394/2020, the learned Tribunal could not have disposed of the MA without hearing it. This is obviously happened by inadvertence, as a routine order has been passed by the learned Tribunal, consequent to disposal of RA 206/2019, that all associated MAs would be



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disposed of accordingly.

9. Strictly speaking, MA 394/2020 is not an MA associated with RA 206/2019. However, it appears that the MA has been treated by the registry of the learned Tribunal as having been disposed of.

10. In these circumstances, we restore MA 394/2020 to the file of the learned Tribunal and remand the MA to the learned Tribunal for a decision in accordance with law.

11. We make it clear that we are not expressing any opinion one way or the other on the merits of the MA.

12. The writ petition stands allowed in the aforesaid terms.

13. The concerned parties in the MA may appear before the learned Tribunal on 11 November 2024.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 21, 2024

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Click here to check corrigendum, if any