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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 13/2025**
DELHI STATE ELECTRICITY WORKERS UNION & ANR.

.....Appellants

Through: Mr.Pradeep Chanda with Mr.Salim A
Inamdar, Mr.Modassir H Khan, Mr.Parth Dhawan,
Advs.

versus

BSES YAMUNA POWER LTD.

.....Respondent

Through: Mr.Sandeep Sethi, Sr.Adv. &
Mr.Sandeep Prabhakar, Sr.Adv. Mr.Nikhil
Sharma, Mr.S.Akshata, Ms.Riya Kumari, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **30.01.2025**

CM APPL. 5856/2025

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 5854/2025-Delay 30 days

3. This is an application filed by the appellants seeking condonation of 30 days delay in filing the appeal.
4. The application is, for the reasons stated therein, allowed and the delay of 30 days in filing the appeal stands condoned.
5. The application stands disposed of.

FAO(OS) 13/2025 & CM APPL. 5855/2025-Stay

6. The present appeal under Section 104 read with Order XLIII Rule 1 of



the Civil Procedure Code has been filed assailing the orders dated 22.11.2024 and 26.11.2024 passed by the learned Single Judge in I.A.No.45900/2024 in CS(OS) 568/2018.

7. At the very outset, learned counsel for the appellants submits that the appellants are pressing their challenge only qua the directions issued by the learned Single Judge, vide the impugned order dated 26.11.2024, insofar as it directs the appellant no.2/defendant no.2 to file an affidavit disclosing his movable and immovable assets. He contends that this direction has been issued without even arriving at any prima facie finding that the appellant no.2 was guilty of any contempt or that there was other justifiable reason for issuing the said directions.
8. Issue notice. Learned counsel for the respondent accepts notice.
9. Learned senior counsel for the respondent submits that even though the respondent has reservations regarding the appellant no.1's right to file an appeal, the respondent has no objection if the directions issued under the impugned order dated 26.11.2024, requiring the appellant no.2 to file an affidavit disclosing all his movable and immovable assets is set aside. He, however, prays that it may be clarified that this order will not be considered as precluding the learned Single Judge from passing a fresh order on similar terms if the need so arises.
10. In the light of this fair stand taken by the respondent, we dispose of the appeal along with the pending application, by setting aside the directions issued in para 5 of the impugned order dated 26.11.2024 insofar as it requires the appellant no.2 to file an affidavit disclosing all his movable and immovable assets. We, however, make it clear



that other directions issued vide the impugned orders shall continue to bind the parties.

11. We further make it clear that this Court has not expressed any opinion on the merits of the other grounds raised in the present appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 30, 2025
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