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

+ **W.P.(C) 9492/2023**

UMANG BHARDWAJ

..... Petitioner

Through: Ms. Akshada Mujwan and Mr.
Navneet Yadav, Advocates

versus

INDIAN OIL CORPORATION LIMITED

..... Respondent

Through: Mr. Rajiv Shukla, Ms. Shivani
Kapoor, Mr. Sanjiv Shukla and Mr.
Raj Kumar Tiwari, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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26.04.2024

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 2516/2024

1. This is an application filed on behalf of the applicant/petitioner under Order VI Rule 17 read with Section 151 CPC, 1908 seeking amendment to the prayer clause as also raising of additional grounds in the writ petition. The said amendments, as sought, are more particularly enumerated in para 4 and 5 of the said application.
2. Mr. Rajiv Shukla, learned counsel appearing for the non-applicant/respondent submits that the reply to the said application has been filed.
3. The respondent has taken an objection that consequent upon the

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counter affidavit having been filed by the respondent on the original issue raised in the writ petition, the petitioner, by way of the present application, is trying to fill in the lacuna as also expand the scope of the writ petition. He submits that the same is impermissible and cannot be allowed.

4. Learned counsel also submits that by way of the said application, the petitioner is now trying to bring new additional grounds, which are not even required, so far as the case of the petitioner is concerned.

5. After having heard arguments of learned counsel for the parties, this Court is of the considered opinion that it is not disputed that the grounds which have been now raised are only additional and may be better explanation to the grounds already taken by the petitioner. So far as the amendment to the prayer clause is concerned, learned counsel appearing for the petitioner submits that in place of seeking quashing of the advertisement dated 21.07.2022, what the amendment now seeks, is to quash the appointment of the experienced Law Officers, made by the respondent, pursuant to the order dated 21.07.2022.

6. The amendment of the prayer clause does not appear to be an issue which would change the nature of the entire writ petition and appears to be more particular *qua* the appointment of certain persons as experienced Law Officers in pursuance to the advertisement dated 21.07.2022. Though, the petitioner may have to implead all such parties as respondents whose appointments by virtue of order dated 21.07.2022 is being sought.

7. In any case, the right of the respondent to raise all any objection, both legal and factual, is indelible and that right cannot be diluted. As such, the objections against the said inclusion as also the additional grounds may be taken by the respondents in its amended counter affidavit.



8. In that view of the position, the said application is allowed. The said amendments are permitted to be inserted. Amended writ petition is filed and is taken on record. The respondent may file its amended counter affidavit within six weeks from today. Rejoinder thereto, if any, within four weeks, thereafter.

9. Keeping in view the observations made in para 6 above, the petitioner is permitted to file appropriate applications seeking impleadment of all the affected parties who were appointed by virtue of order dated 21.07.2022 which is challenged by way of amended writ petition.

10. The same be done within four weeks from today.

11. The application stands disposed of.

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12. List before the Registrar for completion of pleadings on 22.08.2024.

TUSHAR RAO GEDELA, J

APRIL 26, 2024

Aj