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

143

+ W.P.(C) 1698/2010

DELHI STATE ELECTRICITY WORKERS UNION

..... Petitioner

Through: Mr. Salim A. Inamdar,
Advocate with Mr. Modassir H. Khan and
Ms. Shruti Kapur, Advocates

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Anuj Aggarwal, ASC,
GNCTD with Ms. Ayushi Bansal, Ms.
Arshya Singh and Mr. Aakash Dahiya,
Advocates for R-1.

Mr. Anupam Varma, Mr. Nikhil Sharma and
Ms. Manu Tiwari, Advocates for R-3 & R-4.
Ms. Avnish Ahlawat, Standing Counsel,
GNCTD with Mr. N.K. Singh and Ms. Aliza
Alam, Advocates for R-2 & R-6.

Mr. Vinay Sabharwal, Advocate with Mr.
Karunesh Shah, Advocate for R-7.

144

+ W.P.(C) 8973/2017

TATA POWER DELHI DISTRIBUTION LTD. Petitioner

Through: Mr. Sudhir Nandrajog, Senior
Advocate with Mr. Anupam Varma, Mr.
Nikhil Sharma and Ms. Manu Tiwari,
Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Anuj Aggarwal, ASC,
GNCTD with Ms. Ayushi Bansal, Ms.
Arshya Singh and Mr. Aakash Dahiya,
Advocates for R-1.

Ms. Avnish Ahlawat, Standing Counsel,
GNCTD with Mr. N.K. Singh and Ms. Aliza
Alam, Advocates for R-2 & R-6.

Mr. Vinay Sabharwal, Advocate with Mr.
Karunesh Shah, Advocate for R-7.



CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.05.2023

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Mr. Anuj Aggarwal, learned counsel appearing on behalf of GNCTD/Respondent No.1 submits that an affidavit has been prepared on behalf of the Government of NCT of Delhi, bringing on record that the Government has, in principle, agreed to have a forensic audit of the Pension Trust and the affidavit will be filed during the course of the day.

Learned Senior Counsel for Tata Power Delhi Distribution Ltd. and counsel for Delhi State Electricity Workers' Union state that it is not enough to state that forensic audit will be conducted and it is important that Respondent No.1 discloses the scope of the audit, terms of reference of the auditors and the timelines within which the exercise will be completed. This, it is stated, becomes important in view of the stand of the Petitioners that the underfunding of the Pension Trust as well as its mismanagement has gravely impacted the solvency of the corpus of the Trust. The Trust Deed stipulates an annual actuarial valuation of the prospective liabilities of the Trust for determining the solvency, however, even this exercise is not undertaken annually.

In view of the aforesaid, Respondent No.1 is directed to file a comprehensive affidavit disclosing the scope and ambit of the forensic audit that it proposes to undertake, terms of reference of the auditors and the approximate time within which the entire exercise is likely to be completed. The affidavit shall also indicate if Respondent No.1 intends to carry out actuarial valuation, which is a demand of the Petitioners and also a mandate laid down in the Trust Deed.



Let the affidavit be filed within two working weeks from today in both the writ petitions as well as in a connected writ petition being W.P.(C) 4311/2013.

List on 24.07.2023.

JYOTI SINGH, J

MAY 24, 2023/KA