

Ex. No. 1914/26
Amit Vs. Municipal Corporation Of Delhi
DLCT01-013346-2026
&
Ex. No. 920/24
Rajender Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-006752-2024
&
Ex. No. 1258/24
Prakash Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-008666-2024
&
Ex. No. 1023/26
Rajesh Kumar Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-007330-2026
&
Ex. No. 1036/26
Ashok Kumar Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-007557-2026
&
Ex. No. 1242/26
Subhash Vs. Delhi Municipal Corporation
CNR No. DLCT01-008080-2026
&
Ex. No. 1243/26
Sunita Vs. Delhi Municipal Corporation
CNR No. DLCT01-007766-2026
&
Ex. No. 1252/26
Suresh Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-008513-2026
&
Ex. No. 1569/26
Naresh Bala Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-010674-2026
&

Ex. No. 1570/26
Shiv Charan Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-010692-2026
&
Ex. No. 1595/26
Attar Singh Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-010483-2026
&
Ex. No. 1597/26
Ritu Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-010471-2026
&
Ex. No. 1598/26
Vinod Kumar vs. Municipal Corporation Of Delhi
CNR No. DLCT01-010453-2026
&
Ex. No. 1636/26
Sita Devi. Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-010286-2026
&
Ex. No. 1870/26
Rupesh Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-013370-2026
&
Ex. No. 1901/26
Amar Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-013669-2026
&
Ex. No. 1907/26
Gajraj Vs. Municipal Corporation Of Delhi
CNR No. DLCT01-013636-2026

17.08.2026

Present: Sh. Himanshu Rajora, Ld. Counsel for DH/Sita Devi.
Ms. Monika Nagil, Ld. Proxy Counsel for
DH/Naresh Bala and Shiv Charan.
Sh. Nikhil Sharma, Ld. Proxy Counsel for DH/
Rajender, Prakash, Attar Singh, Ritu and Vinod.

Ms. Jyoti Tyagi, Ld. Counsel for DH/Rajesh.
Sh. Mudit Sharma, Ld. Counsel for DH/Amit.
Sh. Juned Ansari, Ld. Counsel for DH/Amar through
VC.
Ms. Shivani Joshi, Ld. Counsel for DH/Ashok Kumar
through VC.
None for Judgment Debtor/MCD.

1. Arguments on maintainability of present executions have already been heard, written arguments along with case laws have been filed on behalf of JD also stated to be considered in all connected matters, as well as by DHs in numerous connected matters and today matter was fixed for orders.
2. For the sake of convenience, a common order is passed in all connected execution petitions on point of maintainability before this Court.

Arguments addressed on behalf of Decree Holder

3. Ld. Counsels for the Decree Holders submitted that the Ld. Labour Court after considering the claim of the Workman, duly computed and determined the amount payable to them and passed the order in their favour and the present proceedings are only for enforcement of the said determination; that Section 33-C(4) of the Industrial Disputes Act provides a statutory mechanism for recovery of the amount determined under Section 33-C(2), hence, the Decree Holders have a statutory remedy for recovery of the amount determined by Ld. Labour Court under Section 33-C(2); that Section 11(10) provides for execution before a Civil Court having

jurisdiction; that Ld. Labour Court while passing the award in favour of the Workmen did not restrict the Workmen to any one particular mode of recovery or execution; that the present petitions are only for enforcement of the amount already computed and determined by the Ld. Labour Court; that Section 39 CPC and Section 11(10) of the Industrial Disputes Act serve the same broad purpose of facilitating execution before the competent Civil Court.

3.1 To substantiate their arguments, Ld. Counsels for the Decree Holders have placed reliance upon following case laws.

a. Hon'ble High Court of Delhi in case titled as ***Anand Finance (P) Ltd. Vs. Amrit Dasarath Kakad*** reported in ***61 (1996) DLT 305***, however, the said judgment is on the point of issue

b. Hon'ble High Court of Delhi in E.A. No. 105/2009 in Ex. No. 242/2008 titled as ***Daelim Industrial Co Ltd vs Numaligarh Refinery Ltd. (Dated 13.03.2009)***, has observed that :

“26. The senior counsel for the judgment debtor also does not dispute that the award would be executable by this court by attachment of the properties/monies of the judgment debtor at Delhi. However, he insists upon the same being done only after obtaining a transfer of the decree from the courts at Guwahati /Golaghat to this court. But what will that court transfer. There is no decree of that court which it can transfer. The court after disposing of application/petition under Section 34 is not required to and does not pass any decree in terms of the award, as under the 1940 Act. Moreover, the question of

such transfer would arise only if it were to be held that the power to execute and transfer is of that court only. Such power as aforesaid is only in relation to decrees passed by that court and no in relation to the arbitral awards which are deemed to be decree for the purpose of enforcement/execution. Without the fetter of Section 38, the courts of the place where the property/money against which the decree is sought to be enforced is situated would have inherent jurisdiction to entertain the execution.”

c. Ld. Additional District Judge, West District, Tis Hazari Court, New Delhi in Execution Petition No. 12/14/13 titled as ***Dhruv Raj Vs. M/s. Tagore Sr. Sec. School (Dated 04.08.2014)***. (The same cannot be relied as of Coordinate Bench)

d. Hon’ble High Court of Delhi in W.P. (C) 7668/2012 titled as ***Ranjit Kumar Vs. The Management of M/s. Datamation Consultants and Anr. (Dated 08.05.2013)***, has held that :

“12. xxxxx However, I may note that the scope of the execution proceedings under section 11(10) of the Act is much wider, as it relates to execution of an Award wherein varied kinds of reliefs may have been granted such as reinstatement, promotion, etc. However, section 33C(1) can be invoked where the Award grants any monetary relief to the applicant. Therefore, in such like cases, the jurisdiction under section 11(10) of the Civil Court and under section 33C(1) of the Act of the appropriate government/Labour Commissioner is concurrent.”

e. Hon'ble High Court of Bombay (Nagpur Bench) W.P. 4509/2014 titled as *Nandlal Vs. Shri Chandrakant (Dated 21.06.2018)*, has held that :

“9. Of course, learned counsel for the petitioner argues that if such proceeding was firstly filed before the Labour Court he would have got an opportunity to take an objection to the entitlement of the respondent to receive any money from this petitioner. In fact, such an objection was already taken by the petitioner before the Labour Court in an application filed under Section 33-C(2) of the I. D. Act by the respondent. The objection of the petitioner was also adjudicated upon by the Labour and so it is obvious that the submission is bereft of any substance. In any case, I must say, there is no provision made under the I.D. Act that if any application for execution of award is filed before the Labour Court, an objection can be taken by the judgment-debtor and only after adjudication of such an objection, the Labour Court could transmit the award for its execution to the Civil Court under Section 11(10) of the I. D. Act. Therefore, the argument advanced by learned counsel for the petitioner has to be rejected and is rejected accordingly.”

Arguments addressed on behalf of Judgment Debtor

4. Ld. Counsel for the Judgment Debtor though did not dispute the decretal amount and outstanding payable to Decree Holders, however, argued that the present execution petition is premature and not maintainable before this Court without establishing that the said award/order has been transmitted to this Court by the concerned Ld. Labour Court in accordance with Section 11(10) of the Industrial Disputes Act, 1947; that the Award holder has merely filed a certified copy /photocopy of the Award and no order of transmission,

transmission certificate or transmitted record or communication from the concerned Ld. Labour Court, has been placed on record.

4.1 To buttress his arguments, Ld. Counsel for the Decree Holder has placed reliance upon judgment rendered by Hon'ble High Court of Delhi in W.P. (C) 6155/2022 titled as ***Shri Sri Chand & Anr. Vs. State of NCT of Delhi & Ors. (Dated 30.09.2014)***, has held that :

3. xxxxxxxx *The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a civil court having jurisdiction and such civil court shall execute the award, order or settlement as if it were a decree passed by it."* In view of above explained position/changed procedure of implementation/ enforcement of awards of Labour Courts/Industrial Tribunals, now, it is the responsibility of the same Labour Court/Industrial Tribunal who has pronounced the award to implement the same after publication of the award by the Labour Department.

xxxxxxx

7. A similar issue came before the Punjab and Haryana High Court in WP(C) 5648/2011 which has been disposed of vide order dated 22.05.2012 whereby held as under:-

"10. Record produced before us does not suggest that provisions of sub-sections (9) and (10) to Section 11 of the 1947 Act are in derogation or suppression of existing provisions made under Sections 15, 17, 17-A, 29 and 33-C of the 1947 Act, therefore, Labour Court or Tribunal shall prepare the award in duplicate and shall transmit the award to the civil Court as well as to the appropriate Government for publication in accordance with Sections 15 and 17 of the 1947 Act so that workman can exercise his option either to approach the civil Court for its execution under Section 11 or to approach the authority under Sections 29 or 33-C of the 1947 Act.

Court's Observation

5. This Court heard the rival submissions advanced on behalf of both the parties and perused the entire material available on record including written arguments filed on behalf of the parties.

6. The present execution petitions have been filed for execution of the Award passed by the Ld. Labour Court. This Court deems it appropriate to reproduce relevant sections of Industrial Disputes Act, which reads as under :

“Section 11(9) - Every award made, order issued or settlement arrived at by or before the Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under Order 21 of the Code of Civil Procedure, 1908 (5 of 1908).

Section 11(10) - The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it.”

7. A conjoint reading of the aforesaid provisions makes the legislative intention manifest. The Legislature has consciously provided a mechanism whereby an award passed by a Labour Court is capable of being enforced through the machinery of execution available to a Civil Court. The object is plainly to ensure that an adjudication in favour of a workman does not remain merely a paper determination but is capable of being translated into actual relief.

8. The Industrial Disputes Act is a piece of social welfare legislation enacted, *inter alia*, for securing industrial peace and protecting the legitimate rights of workmen. The provisions relating to enforcement of an award must, therefore, receive a purposive and pragmatic interpretation so as to advance the object of the legislation rather than defeat the substantive right of a workman on account of a procedural omission.

9. It is significant that the present petitions are not founded upon an unadjudicated claim. The liability of the Judgment Debtor has already been adjudicated upon and the amount payable to the Workman stands determined by the competent Labour Court. The Judgment Debtor has also not disputed, as recorded during the course of arguments, the decretal amount or the fact that the amount is outstanding.

10. The objection of the Judgment Debtor is thus confined to the manner in which the award has reached this Court. Such an objection, in the considered opinion of this Court, cannot be permitted to defeat the substantive right already crystallised in favour of the Workman.

11. The distinction between a substantive condition affecting jurisdiction and a procedural requirement intended to facilitate execution is material. Section 11(10) prescribes the manner in which the award is to be transmitted to the Civil Court having jurisdiction. It does not declare the award void or unenforceable in the event of

absence of a formal transmission certificate accompanying the execution petition.

12. The same approach is also consistent with the legislative scheme noticed by the Hon'ble Delhi High Court in ***Shri Sri Chand & Anr. (Supra)*** wherein it was held that insertion of sub-sections (9) and (10) in Section 11 of the Industrial Disputes Act was in addition to, and not in derogation of, the existing machinery for enforcement of awards under the Act. The further relevant part of the judgment is reproduced hereinbelow:

“6. The Industrial Disputes Act, 1947 is a welfare legislation. By this Act a cheaper procedure has been provided for the welfare of the workmen. If the respondents no.1&2 do not do their duties as prescribed under section 33(C)(1) of the Act, then the workmen have to approach the Civil Court for implementation of the award which will defeat the very purpose of the Act. Thus, the workmen have to adopt an expensive procedure by engaging counsels and to attend the court proceedings.

7. A similar issue came before the Punjab and Haryana High Court in WP(C) 5648/2011 which has been disposed of vide order dated 22.05.2012 whereby held as under:-

"10. Record produced before us does not suggest that provisions of sub-sections (9) and (10) to Section 11 of the 1947 Act are in derogation or suppression of existing provisions made under Sections 15, 17, 17-A, 29 and 33-C of the 1947 Act, therefore, Labour Court or Tribunal shall prepare the award in duplicate and shall transmit the award to the civil Court as well as to the appropriate Government for publication in accordance with Sections 15 and 17 of the 1947 Act so that workman

can exercise his option either to approach the civil Court for its execution under Section 11 or to approach the authority under Sections 29 or 33-C of the 1947 Act.

*11. In view of the observations made hereinabove, sub- sections (9) and (10) of Section 11 of the 1947 Act cannot be held to be in derogation or suppression of any other provision of the 1947 Act and **same are in addition to existing provisions**, therefore, their vires are upheld."*

9. Moreover, this opinion was directed by Additional Labour Commissioner to be circulated to all District In-charges. Despite, the Labour Department is waiting for the opinion of this Court in the present petition. The Industrial Disputes Act is a Central Act. Moreover, the Union of India had filed reply before the High Court of Punjab and Haryana in WP(C) no.5648/2011 whereby specifically stated that newly added sub-sections (9) & (10) to section 11 of the I.D. Act, 1947 are not in suppression of existing provisions contained in section 15,16,17 and 33(C) of the Act rather sub-sections (9) & (10) to section 11 of the I.D. Act are in addition to the existing provisions of the Act.

13. The object of Section 11(10), therefore, cannot be construed as creating an additional technical barrier whereby a workman, despite having secured an adjudication in his favour, is required to undergo another round of proceedings merely for the purpose of obtaining a formal transmission of the very award which he seeks to execute.

14. Such an interpretation would be particularly incongruous where the Judgment Debtor does not dispute the award or the amount

payable but seeks dismissal of the execution solely on the ground of non-transmission. It would result in the Workman being relegated to another proceeding without there being any dispute regarding the substantive entitlement. Such an approach would frustrate the very object of the beneficial legislation.

15. At the same time, this Court is conscious of the express language of Section 11(10). The requirement of transmission cannot simply be disregarded. However, the appropriate course, in the interest of substantial justice, is to treat the absence of formal transmission as a curable procedural defect rather than as a ground for dismissal of the execution petition.

16. It is also noteworthy that the Legislature has expressly directed that the award shall be executed as if it were a decree passed by the Civil Court. The use of such language demonstrates the legislative intent to facilitate enforcement and to confer upon the award the efficacy of an executable decree.

17. In the facts of the present case, where the award has been passed by the competent Labour Court, the monetary liability stands determined, the amount is not disputed by the Judgment Debtor and the only objection is the absence of formal transmission, this Court finds no justification for dismissing the execution petition as not maintainable. The present execution petition, therefore, need not be rejected. The certified copy of the award/order is already before this Court.

18. Accordingly, this Court finds that the present execution petitions are maintainable before this Court.

19. The matter be now listed for further proceedings in execution on **26.09.2026**.

(Shefali Barnala Tandon)
District Judge-04, Central
Tis Hazari Courts, Delhi
17.08.2026 (gr)