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

+ **W.P.(C) 7188/2019 & CM APPLs. 29926/2019, 15128/2020**

**BSH HOUSEHOLD APPLIANCES MANUFACTURING PVT.
LTD.**

..... Petitioner

Through: Mr. Ankur Khandelwal, Advocate.
versus

VIKAS KUMAR SHARMA AND ANR

..... Respondents

Through: Mr. Anuj Aggarwal & Ms. Niharika
Rai, Advocates for R-1.
Ms. Sumitra Singhal, Advocate for R-
2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.01.2022**

1. This hearing has been done through video conferencing.
2. Mr. Ankur Khandelwal, Id. Counsel submits that he has been recently engaged in this matter, and wishes to move a proper application.
3. Vide order dated 27th October, 2021, this Court had directed payment of the wages under Section 17B of the Industrial Disputes Act, 1947 (*hereinafter, "Act"*), in the following terms:

"7. In view of the above, the application under Section 17B of the Act is allowed. The Petitioner/Management shall pay to the Workman, the last drawn wages or the minimum wages, whichever is higher from the date of the impugned Award i.e., 11th October, 2018 during the pendency of this writ petition."

4. No amounts have, admittedly, been paid to the Respondent No.1/Workman till date. The Petitioner/Management had challenged the said order dated 27th October, 2021 before the Id. Division Bench of this



Court, which was disposed of, vide order dated 24th December, 2021 in **LPA No.509/2021** titled **BSH Household Appliances Manufacturing Private Limited v. Vikas Kumar Sharma & Anr.** The Court has perused the order dated 24th December, 2021 passed by the Id. Division Bench, and the same reads as under:

“1. After some arguments, Mr Jayant Mehta, learned senior counsel, who appears for the appellant, says, on instructions, that while he does not wish to press the appeal any further, he would like to place on record that up-until now, according to the appellant, under Section 17B of the Industrial Disputes Act, 1947, approximately Rs. 5.53 lakhs will be payable to respondent no.1 i.e., the workman.

1.1. Since respondent no.1 is not present, according to us, this calculation can be placed by the appellant before the learned Single Judge.

1.2. Furthermore, we are told by Mr Mehta that Rs. 15,30,289 has been deposited by the appellant with the Registry of this Court, out of which approximately Rs. 2,25,972 has already been released to respondent no. 1.

1.3. These are aspects which can be placed by the appellant, before the learned Single Judge.

2. The appeal is, thus, dismissed as not pressed.

2.1. Needless to add, the learned Single Judge will hear both sides and, then, direct the release of money, out of the amount already deposited with the Registry.

3 The Registry will dispatch a copy of this order to respondent no.1, as well as his counsel-on-record before the writ court.

4. Consequently, pending applications shall stand disposed of.”

5. The basic dispute between the parties is as to computation of the amount which would be payable under Section 17B of the Act. As per the



submissions made by the Management itself, before the Id. Division Bench, approximately Rs.5.53 lakhs is, in any case, payable to the Workman.

6. Since, an adjournment is sought today on behalf of the Petitioner/Management, and this Court had already, vide order dated 15th July, 2020 directed the release of a sum of Rs.2,25,972/- a further sum of Rs.3,27,028/- be released to the Workman from the amount lying deposited with the Id. Registrar General. Let the said amount be released within one week, to the Workman through his Id. Counsel. Let the bank account details of the Workman be furnished to the Registry, if not already available.

7. Insofar as the compliance of order dated 27th October, 2021 under Section 17B of the Act and the computation thereof is concerned, both the parties may file their respective calculations, within the next four weeks.

8. In the meantime, going forward, the Workman shall be paid a sum of Rs.18,038/- which was the last drawn wages in terms of the documents which have been placed on record. The said payment shall be made by the 10th of every Calendar month by the Management to the Workman.

9. According to the Workman, Rs.29,645/- was the last drawn wages. For the time being, however, the admitted last drawn salary is being directed to be paid to the Workman.

10. Considering the fact that the application under Section 17B has also been allowed, and a sufficient amount has been directed to be released to the Workman, the matter deserves to be finally heard.

11. Accordingly, let the rejoinder be filed within four weeks. Id. Counsels for the parties be ready to make submissions on the next date. Parties are also permitted to obtain the electronic record of the present record from the Registry, upon request, in order to enable them to assist the



Court on the next date.

12. Mr. Aggarwal, Id. Counsel for Respondent No.1/Workman assures this Court that he would not press the contempt petition, in view of today's order.

13. List for final hearing on 18th April, 2022.

PRATHIBA M. SINGH, J.

JANUARY 21, 2022

Rahul/AD