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

+ **CRL.M.C. 3383/2025**

MR JUNGBIR SINGH

.....Petitioner

Through: Mr. Tanmay Mehta, Mr. Karan Nagrath, Ms. Nupur Kumar, Ms. Rashmi Gogoi, Ms. Niharika Nagrath, Mr. Ambuj Tiwari, Mr. Arjun Nagrath, Advocates

versus

LABOUR ENFORCEMENT OFFICER & ANR.Respondents

Through: Mr. Neeraj, SPC with Mr. Sachin Saraswat, Mr. Soumyadip Chakraborty, Mr. Sahas Garg, Advocates along with Mr. Vedansh Anand, GP for R-1

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **14.05.2025**

CRL.M.A. 14932/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.A. 14931/2025 (for stay)

4. The present application filed under Section 528 of the Bharatiya

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Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of CT Case No. 326/2025 titled ***Labour Enforcement Officer vs. Celebi Delhi Cargo Terminal Management India Pvt. Ltd.*** pending adjudication before Court of Judicial Magistrate First Class, Patiala House Courts, Delhi.

5. Issue notice. Mr. Neeraj, SPC for Respondent No. 1, accepts notice. Let reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

6. Mr. Tanmay Mehta, Counsel for the Petitioner, at the outset, submits that the impugned order dated 14th December, 2024, taking cognizance of the offences under Section 23 and 24 of the Contract Labour (Regulation and Abolition) Act, 1970, is in violation of the specific mandate provided under Section 223 of the BNSS. The *first* proviso to said provision stipulates that “*Provided that no cognizance of an offence under this section shall be taken by the Magistrate without giving the accused an opportunity of being heard*”. He submits that this non-compliance renders the impugned show cause notice³ invalid. Further, it is argued that the initiation of criminal proceedings under the Act are discretionary and are not lodged in each and every case. In the instant case, the SCN was issued by the Respondents calling upon M/S Celebi Delhi Cargo Terminal Management India Pvt Ltd. to respond to the allegations. However, without formulating a final view of their reply to the SCN, the Respondents have arbitrarily initiated the present criminal proceedings.

7. For the foregoing reasons, till the next date of hearing, the

¹ “BNSS”

² “CrPC”

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proceedings in CT Case No. 326/2025 titled ***Labour Enforcement Officer vs. Celebi Delhi Cargo Terminal Management India Pvt. Ltd.*** pending adjudication before Court of Judicial Magistrate First Class, Patiala House Courts, Delhi is stayed.

8. Re-notify on 08th September, 2025.

CRL.M.C. 3383/2025

9. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of CT Case No. 326/2025 titled ***Labour Enforcement Officer vs. Celebi Delhi Cargo Terminal Management India Pvt. Ltd.*** pending adjudication before Court of Judicial Magistrate First Class, Patiala House Courts, Delhi.

10. Issue notice. Mr. Neeraj, SPC for Respondent No. 1, accepts notice. Let reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

11. Re-notify on 08th September, 2025.

SANJEEV NARULA, J

MAY 14, 2025/ab

³ “SCN”

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