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

+ **W.P.(C) 15004/2022, CM APPL. 46289/2022 & CM APPL. 46290/2022**

G S ARORA

..... Petitioner

Through: **Mr.Harpreet Singh and Mr.Bhagat Singh, Advocates**

versus

GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: **Ms.Mehak Nakra, ASC (Civil), GNCTD**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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02.11.2022

CM APPL. 46289/2022 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 15004/2022 & CM APPL. 46290/2022

Present writ petition has been filed with the following prayers:

a) Issue appropriate order / direction / writ / command for quashing and setting aside of the recovery proceedings which are initiated and/or sought to be initiated against petitioner in pursuance of Award dated 03.11.2018 passed by Sh Ajay Gupta, Presiding Officer Labour Court, Dwarka, Delhi, under the garb of petitioner being the management of "M/s. V Gate Designer Jewellery" and "M/s. Beget Designer Jewellery";

b) Issue appropriate order / direction / writ / command for quashing and setting aside of the Show Cause Notice dated



18.09.2019, Show Cause Notice 01.10.2019 and Notice dated 28.08.2021 which are sought to be executed and/or enforced against petitioner under the garb of petitioner being the management of "M/s., V Gate Designer Jewellery" and "M/s. Beget Designer Jewellery";

c) Issue appropriate orders / directions for staying the recovery proceedings which are sought to be initiated and/or enforced against petitioner under the garb of petitioner being the management of "M/s. V Gate Designer Jewellery" and "M/s. Beget Designer Jewellery" during the pendency of the present writ petition;

d) Pass ad interim ex parte orders in terms of Prayer (c) hereinabove;

Learned counsel for the petitioner submits that the award was passed in a matter regarding industrial dispute between Vijay Singh @ Brajendra Prasad S/o Sh.Ramsagar Prasad and M/s V'Gate Designer Jewellery. It has been submitted that the petitioner has no concern at all with M/s V'Gate Designer Jewellery. It has further been submitted that that the petitioner has been making representation to the department regarding this. However, the same has not been replied by the department.

Ms.Mehak Nakra, learned counsel for the respondents has filed the status report on behalf of the concerned SDM. Learned submits that a recovery certificate was received from the office of the Deputy Commissioner, South, Labour Department, Govt. of NCT of Delhi. It has been submitted that on receipt of the recovery certificate, the recovery proceedings were initiated. Learned counsel has fairly submitted that the petitioner has also made a representation dated 31.08.2022.

A perusal of the record indicates that the industrial dispute was



between Vijay Singh @ Brajendra Prasad S/o Sh.Ramsagar Prasad and M/s V'Gate Designer Jewellery. Learned counsel for the petitioner asserted emphatically that the petitioner has no concern with the company against whom the award has been passed. Learned counsel for the respondent has filed the status report on behalf the SDM, Hauz Khas, Govt. of NCT of Delhi. It has been submitted that SDM has merely acted on the basis of the recovery certificate dated 13.04.2021 received from the office of the Deputy Commissioner, South, Labour Department, Govt. of NCT of Delhi. However, learned counsel for the respondent has not been able to explain that in an industrial dispute between Vijay Singh @ Brajendra Prasad S/o Sh.Ramsagar Prasad and M/s V'Gate Designer Jewellery, how the recovery certificate has been issued against petitioner.

Learned counsel for the respondent seeks time to take instructions and produce the record.

Let the record be produced on the next date of hearing.

List on 21.02.2023.

In the meantime, no coercive action shall be taken against the petitioner.

DINESH KUMAR SHARMA, J

NOVEMBER 2, 2022

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