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

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+ **W.P.(C) 10269/2024, CM APPLs. 42077-78/2024**

M/S DB CORP LTD

.....Petitioner

Through: Dr. Hrishikesh Baruati, Mr. Nirmal
Misra, Ms. Naisargika and Mr.
Anurag Mishra, Advocates

versus

VISHWAS TIWARI

.....Respondent

Through: Ms. Soumyajit Pani, Advocate

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+ **W.P.(C) 10299/2024, CM APPLs. 42112-13/2024**

M/S D B CORP LTD

.....Petitioner

Through: Dr. Hrishikesh Baruati, Mr. Nirmal
Misra, Ms. Naisargika and Mr.
Anurag Mishra, Advocates

versus

SHASHI KUMAR JHA

.....Respondent

Through: Ms. Soumyajit Pani, Advocate

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+ **W.P.(C) 10303/2024, CM APPLs. 42136-37/2024**

M/S DB CORP LTD

.....Petitioner

Through: Dr. Hrishikesh Baruati, Mr. Nirmal
Misra, Ms. Naisargika and Mr.
Anurag Mishra, Advocates

versus

KRISHNA KANT KULSHRESTHA

.....Respondent

Through: Ms. Soumyajit Pani, Advocate

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU



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ORDER
26.07.2024

CM APPLs. 42078/2024 in W.P.(C) 10269/2024*[Exemption from filing certified copies of annexures]*

CM APPLs. 42113/2024 in W.P.(C) 10299/2024*[Exemption from filing certified copies of annexures]*

CM APPLs. 42137/2024 in W.P.(C) 10303/2024*[Exemption from filing certified copies of annexures]*

1. Allowed, subject to just exceptions.
2. The Applications are disposed of accordingly.

W.P.(C) 10269/2024, CM APPLs. 42077/2024*[Stay]*

W.P.(C) 10299/2024, CM APPLs. 42112/2024*[Stay]*

W.P.(C) 10303/2024, CM APPLs. 42136/2024*[Stay]*

3. The Petitioner has filed these Petitions challenging the Award dated 19.05.2023 passed by the Presiding Officer, Labour Court, Rouse Avenue Court, New Delhi in LIR No. 1513/2018 in W.P.C 10269/2024, LIR No. 1505/2018 in W.P.C 10299/2024 and LIR No. 1509/2018 in W.P.C 10303/2024 [hereinafter referred to as 'Impugned Award']
4. Learned Counsel for the Petitioner submits that the Impugned Award culminates from a Reference Order dated 02.07.2018, which was decided by a Coordinate Bench of this Court by an Order dated 27.01.2022 in W.P (C) 8550/2018, which is the subject matter of an Appeal before the Division Bench of this Court being LPA No. 182/2022.
5. Learned Counsel submits that the issues involved in the present case are two-fold:
 - (i) The Learned Labour Court has wrongly entertained this dispute when



the learned Labour Court had no territorial jurisdiction to decide the claims of the Respondents/Workmen, in view of the fact that the Respondents/Workmen were last employed at Jaipur, Rajasthan.

(ii) Secondly, it contended that the Impugned Award does not set out the calculations of compensation payable to the Respondents/Workmen and that the calculation cannot be adjudicated upon in this Petition.

6. Learned Counsel for the Petitioner submits that the Impugned Award is also the subject matter of challenge before this Court in ***W.P.(C) 2182/2024***, which is next listed for hearing on 27.01.2025.

7. The matter requires some examination.

8. Issue Notice.

9. Learned Counsel appearing on behalf of the Respondents accepts Notice and submits that he wishes to file short affidavit in Reply to the present Petitions.

10. Let an Affidavit be filed within a period of two weeks.

10.1 Rejoinder, if any, be filed within a period of one week thereafter.

9. Learned Counsel appearing on behalf of the parties seek and are granted time to file their respective written synopsis, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

9.1 All judgments sought to be relied upon by the learned Counsel for the parties shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

10. Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.



11. List for hearing on 26.09.2024 at 3:45 pm.

TARA VITASTA GANJU, J

JULY 26, 2024
g.joshi

Click here to check corrigendum, if any