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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16369/2022**
KULDEEP KUMAR TYAGI

..... Petitioner

Through: Mr. S.K. Dudeja, Advocate.

versus

SDM SAKET & ORS.

..... Respondent

Through: Ms. Rachita Garg, Advocate for
respondent no.1 to 3.
(M:7838066417)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **29.11.2022**

1. This hearing has been done through hybrid mode.

CM APPL. 51362/2022 (for exemption)

2. Allowed, subject to all just exceptions. **CM APPL. 51362/2022** is disposed of.

W.P.(C) 16369/2022

3. The Petitioner has filed the present petition challenging the directions issued by the Respondents - SDM/Labour Commissioner and SHO by which his shop, namely, Tyagi Auto Work Shop (Address: D/1, 60 Foota Road, Chhatarpur Enclave Part-II) was sealed.

4. The submission of Id. Counsel for the Petitioner is that the communication dated 6th September, 2022 issued by the Labour Commissioner regarding payment of difference of minimum wages and earned wages in respect of each of the rescued children, is not tenable as the Petitioner did not have any children working in his shop. The claim of the



Petitioner is that the notice dated 6th September, 2022 is addressed to the Petitioner and Sh. Rajesh Kr. who was a mechanic operating in front of the shop of the Petitioner. Thus, he ought not to be forced to make this payment.

5. On the other hand, Id. Counsel for the Respondents submits that the four children were rescued from the Petitioner's shop and they have in fact been sent to the Child Care Shelter and the amounts due for the work they did were also not fully paid. The statements of children were also recorded.

6. Considering the nature of the matter, issue notice.

7. Let the counter affidavit along with the proper report of the Labour Commissioner and the statements, etc. of the children be placed on record comprehensively by way of an affidavit. Considering the total amount demanded from the Petitioner, vide notice dated 6th September, 2022, which amounts to Rs.4,84,192/-, 50% of the amount i.e. Rs.2,42,096/- shall be deposited by the Petitioner on or before 31st January, 2023.

8. Subject to the said deposit being made within a period of one week and upon the proof of receipt of the deposit, the Respondent shall de-seal the shop. The undertaking of the Petitioner is recorded for the deposit of the said amount with the Id. Registrar General. If the amount is not deposited within the time prescribed, the shop would not be liable to be desealed.

9. Let counter affidavit be filed within a period of six weeks. Rejoinder be filed within six weeks, thereafter.

10. List on 8th May, 2023.

PRATHIBA M. SINGH, J.

NOVEMBER 29, 2022

Rahul/AM