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

+ **W.P.(C) 13016/2024**

**KUNAL KUMAR PROPRIETOR ALPHA MANPOWER
SERVICES**

.....Petitioner

Through: Mr. Bipul Mishra, Adv.

versus

**LABOUR ENFORCEMENT OFFICER CENTRAL III OFFICE OF
REGIONAL LABOUR COMMISSIONER CENTRALRespondent**

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

17.09.2024

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1. The present Petition has been filed on behalf of the Petitioner impugning the order dated 11.01.2022 [hereinafter referred to as “the Impugned Order”] passed by the Authority under Minimum Wages Act, 1948. By the Impugned Order, the Petitioner was directed to pay the Respondent the difference of wages amounting to Rs.1,63,878/-.

2. Learned Counsel for the Petitioner submits that although the Impugned Order records that the opponent did not appear on a single instance, he submits that he appeared on 30.06.2021 and even filed a representation dated 30.06.2021 [which is annexed with the Petition]. He submits that this representation was received on that date itself.

3. Learned Counsel for the Petitioner further submits that even thereafter, an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 was filed before the learned Authority, however the said application is still pending.

3.1 Learned Counsel for the Petitioner further submits that the Petitioner was unable to set out his defence in the present case for the foregoing



reasons.

4. The matter requires examination
5. Issue Notice. On steps being taken, let Notice be served to the Respondent *via* all modes, *dasti* as well. An affidavit of service be filed within a week.
6. Subject to the deposit of the amount of Rs.1,63,878/- by the Petitioner within a period of two weeks, the operation of the Impugned Order passed by the learned Authority be kept in abeyance till the next date of hearing. It is clarified that in the event no deposit is made within the stipulated time, these interim directions shall automatically stand dissolved.
7. List on 22.10.2024 in the supplementary list.
8. In the meantime, 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.
9. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 17, 2024/r

[Click here to check corrigendum, if any](#)