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

+ LPA 771/2025, CM APPL. 79930/2025

M/S SINOSTEEL INDIA PVT LTD

.....Appellant

Through: Mr. Amiet Andlay and Mr. Arun K. Sharma, Advs.

versus

MANJU & ANR.

.....Respondents

Through: Mr. Fidel Sebastian, Adv. for R-1.
Ms. Avni Singh, Panel Counsel,
GNCTD with Mr. Vaibhav Sharma,
Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

% **18.12.2025**

CM APPL. 79929/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

LPA 771/2025 & CM APPL. 79928/2025

3. Challenging the order impugned dated 29.10.2025, passed by the learned Single Judge allowing Respondent's application under Section 17B of the Industrial Disputes Act, 1947 (hereinafter referred to as Act of 1947), learned counsel for the Appellant argued that learned Single Judge has erred in allowing the application, ignoring the counter affidavit filed by the Applicant, which was filed pursuant to the order dated 22.02.2021, which reads thus:-



“1. Mr. Fidel Sebastian, who appears on behalf of respondent no.1, says that he will file an affidavit indicating therein as to the payments received by respondent no.1 from the petitioner during the relevant period.

2. To be noted, the record contains documents which, at least at this stage, indicate that certain amounts have been remitted to the account of respondent no.1.

3. It is in this context that respondent no.1 has been directed to place an affidavit on record. Let the affidavit be filed within three weeks from today.

4. List the matter on 07.04.2021.”

4. He argued that in an affidavit that was filed by the Respondent No. 1 after two years, she clearly admitted to have received an amount of Rs. 48,462/- with the plea that she being an illiterate, was not aware that the said amount had been credited to her account.

5. Learned counsel for the Appellant argued that such being the position, when the amount had already been paid, the Tribunal was not fulfilled in holding non-compliance of the provision of Section 25F of the Industrial Disputes Act, 1947.

6. He added that on the contrary inspite of the assertion made by the Appellant-employer, the Respondent-workman completely denied the same, for which, the Labour Court held that there was non-compliance of mandate of Section 25F of the Act, 1947. And that had she accepted the factum of receiving the amount of Rs. 48,462/-, the question required to be decided by the Labour Court was as to whether said amount tendered by the Appellant-Company was tendered at the time of retrenchment or within a period of one month and has the amount deposited / paid was in accordance with law?



7. He further argued that neither the Labour Court in absence of correct facts could decide this issue nor had the learned Single Judge any occasion to decide the same, which was a jurisdiction and substantial question.

8. Learned counsel for the Appellant argued that if the Respondent No.1, who had come with a false plea is allowed to take advantage of her own conduct and is given the amount payable under Section 17B of the Industrial Disputes Act, 1947, it would be like giving a premium to her own wrong.

9. Learned counsel for the Respondent No. 1, on the other hand, tried to make an emotional submission and argued that it is the worst case of his life and that he is emotionally attached to the case.

10. While observing that such emotional arguments, which are beyond the pleadings and the facts, we are of the view that the Respondent No. 1 herself was at fault in not placing the correct facts on record. Such act cannot be countenanced by the Court of law. It was her duty to disclose this fact before the Labour Court. And in case, if the amount paid by the employer (Appellant) was inadequate or not in accordance with law, the employer could have been directed to pay the remaining amount.

11. On appraisal of evidence on record, we are of *prima-facie* opinion that it was a case of loss of confidence. Hence, we asked learned counsel for the Respondent No.1-workman to take a lump sum compensation. Pursuant to such proposal by the Court, learned counsel for the Respondents replied that he has instructions from his client to settle it not below a sum of Rs. 50 lacs.

12. We are constrained to observe that given the fact that the Respondent No.1-workman was only a house help, this amount is too excessive. We were also inclined to send the parties for mediation as well, but learned counsel for the Respondent was reluctant, though the counsel for the



Appellant was open with this idea.

13. The stand of the Respondent No.1-workman and her counsel is indicative or suggestive of the fact that they simply want to arm-twist the Appellant rather than getting justice. More so, if the reasons for which, the Respondent's services were dispensed with, we are persuaded to stay the impugned order.

14. Admit. Issue notice.

15. Issue notice of the stay application.

16. Mr. Fidel Sebastian, learned counsel accepts notice on behalf of the Respondent No. 1 and Ms. Avni Singh, learned counsel accepts notice on behalf of Respondent No. 2.

17. List this case for final hearing on 22.04.2026.

18. Meanwhile effect and operation of Impugned Order dated 29.10.2025 passed by learned Single Judge shall remain stayed. Stay application (CM APPL. 79928/2025) stands disposed of accordingly.

DINESH MEHTA, J

VIMAL KUMAR YADAV, J

DECEMBER 18, 2025/ps