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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CM APPL. 30274/2018 (*stay*)

+ W.P.(C) 7893/2018

WEARWELL (INDIA) PRIVATE LIMITED Petitioner
Through: Ms. Poonam Das, Adv.

versus

JOINT LABOUR COMMISSIONER Respondent
Through: Mr. Sanjoy Ghose, ASC with
Mr.Gaganjyot Singh and Mr. Shwetank
Singh, Advs.
Mr. R.S. Jena and Mr. Sonu Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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22.10.2018

W.P.(C) 7893/2018

This writ petition is directed against recovery certificate dated 13th July, 2018.

Notice already stand issued in this matter and counter affidavit on behalf of respondent nos.2 to 253 stands filed.

Mr. Sanjoy Ghose, learned ASC appearing for the respondent no.1, submits that he would be filing the counter affidavit during the course of the day.

Rejoinder be positively filed by the petitioner thereto, if any, within two weeks.

CM APPL. 30274/2018 (*stay*)

The issue involved in this writ petition is very brief, and centres around the scope of ambit of expression “closure” as defined in

Section 2 (cc) of the Industrial Tribunal Act, 1947.

Learned counsel for the respondent no.2 relies, principally, on the judgment of the Division Bench of the High Court of Bombay in ***Biddle Sawyer Ltd. v. Chemical Employees Union*** ***Manu/MH/0206/2007, (2007) 114, FLR 496***, which holds that closure, of a single place of business, of an industry, would not amount to “closure” within the meaning of Section 2(cc) (*supra*).

Prima facie, the submission requires consideration.

As the issue in controversy is limited only to this aspect, let the writ petition itself be listed for disposal at the end of the Board on 26th November, 2018.

Till the next date of hearing, there shall be an *ad interim* stay of the operation of the impugned recovery certificate dated 13th July, 2018.

Learned counsel for the petitioner is directed to ensure that the rejoinders to the counter affidavits of the respondents, are positively filed within the time granted hereinabove, and are on record, before this Court, on the next date of hearing.

Subject to the matter reaching, it is made clear that the matter would not be adjourned further on the next date of hearing and would be heard finally.

Both counsel are at liberty to file brief written synopsis in response to their respective stand.

A copy of this order be given *dasti* under the signatures of the Court Master.

C.HARI SHANKAR, J.

OCTOBER 22, 2018

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