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

+ W.P.(C) 9510/2018 & CAV 831/2018, CM APPL. 37017-37018/2018

M/S NITIKA FASHION AND ANR. Petitioners

Through: Ms. Arati Mahajan Shedha
with Ms. Swati, Adv.

versus

SURESH CHAND AND ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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11.09.2018

CM APPL. 37018/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 9510/2018 & CAV 831/2018

Issue notice, returnable on 9th October, 2018.

CM APPL. 37017/2018 (for stay)

Ms.Arati Mahajan, appearing for the petitioners, submits that the issue in controversy is no longer *res integra* having been settled by a three-Judge Bench of the Supreme Court in ***Haryana Suraj Malting Ltd v. Phool Chand, AIR 2018 SC 2670***, which held that, merely because 30 days has lapsed since the publication of the award, the Labour Court or Industrial Tribunal does not become *functus officio* and it can still decide the application under Order IX Rule 13 of the

Code of Civil Procedure, 1908.

Prima facie, the issue appears to be covered by the judgment of the Supreme Court, cited by learned counsel for the petitioner.

In that view of the matter, pending further orders, the operation of the order dated 26th May, 2018 shall stand stayed.

List on 9th October, 2018.

C.HARI SHANKAR, J

SEPTEMBER 11, 2018

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