

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 8587/2025

1. Shri Somesh Agarwal, Aged About 55 Years, Managing Director Hotel Sheraton Udaipur Palace Resort And Spa, Present Name- Hotel Radisson Blue Udaipur Palace Resort And Spa, Near Fatehsagar Lake, Ambamata,udaipur, Rajasthan,
2. Shri Vishal Kapoor, Aged About 56 Years, General Manager Hotel Sheraton Udaipur Palace Resort And Spa, Present Name - Hotel Radisson Blue Udaipur Palace Resort And Spa, Near Fatehsagar Lake, Ambamata,udaipur, Rajasthan.

-----Petitioners

Versus

Shri Kuldeep Singh Visht S/o Shri Makan Singh, Aged About 37 Years, Resident Of Sangtiya Vala Post Bhamliya Vala,district Dehradun Uttrakhand.

-----Respondent

For Petitioner(s)	: Mr. Nitin Trivedi
For Respondent(s)	: Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

27/03/2026

The present criminal misc. petition has been filed by the petitioners under Section 528 of BNSS against the order dated 15.10.2022 passed by learned Additional Chief Judicial Magistrate No.2, Udaipur by which cognizance had been taken against the petitioner upon the application under Section 29 and 34 of Industrial Dispute Act for non compliance of the award dated 24.10.2018 passed against the Manager Sheraton, Udaipur Palace, Fatehsagar, Udaipur.

Learned counsel for the petitioners submits that the dispute was between the employees of the Hotel Sheraton, Udaipur Palace and now the said property has been leased out to Radisson Blue, Udaipur, and the management or the manager of the hotel Sheraton has got nothing to do with the property.

In such circumstances, it is stated that the employees of hotel Sheraton does not automatically become the employee of the hotel Radisson Blue. He submits that the employee may have a right of executing the award against the management of hotel Sheraton but not against the petitioner which is a separate entity altogether and the property has been leased out to them.

This Court has considered the arguments raised by the counsel for the petitioners as well as gone through the award dated 24.10.2018 and the application filed under Section 33C(2) of the Industrial Dispute Act which clearly reflects that now the hotel is with Radisson Blue, which comes from the title itself.

In such circumstances this Court prima facie finds substances in the argument raised. Certainly, an employee does not have lien over the property and its an arguable question whether proceedings against the subsequent lease holder can be initiated under Section 29 and 34 of Industrial Dispute Act.

Issue notice, returnable within four weeks.

In the meanwhile, effect and operation of the order dated 15.10.2022 passed by learned Additional Chief Judicial Magistrate No.2, Udaipur shall remain stayed.

(BALJINDER SINGH SANDHU),J