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\$~22, 23, 24, 25, 26, 27 & 28

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

+ W.P.(C) 4501/2014

M/S NEW AGE PRINTING PRESS AND ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

R. MUGAM Respondent
Through: Mr.V.K. Tandon, Adv.

+ W.P.(C) 4502/2014

M/S NEW AGE PRINTING PRESS AND ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

SUBHASH CHANDER SINGH Respondent
Through: Mr.V.K. Tandon, Adv.

+ W.P.(C) 4503/2014

M/S NEW AGE PRINTING PRESS AND ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

SURYA NARAIN TIWARI Respondent
Through: Mr.V.K. Tandon, Adv.

+ W.P.(C) 4504/2014

M/S NEW AGE PRINTING PRESS AND ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

SURAJ PRAKASH Respondent
Through: Mr.V.K. Tandon, Adv.

+ W.P.(C) 4586/2014

M/S NEW AGE PRINTING PRESS AND ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

MAHESH CHAND Respondent
Through: Mr.V.K. Tandon, Adv.

+ W.P.(C) 7170/2014

M/S NEW AGE PRINTING PRESS & ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

RAJENDRA KASHYAP Respondent
Through: Mr.V.K. Tandon, Adv.

+ W.P.(C) 7176/2014

M/S NEW AGE PRINTING PRESS & ANR Petitioners
Through: Mr.B.K. Pal, Adv.

versus

A.K. DEY Respondent
Through: Mr.V.K. Tandon, Adv.

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CORAM:
HON'BLE MR. JUSTICE V.P.VAISH

ORDER
% **12.03.2015**

The petitioners have filed these seven petitions challenging the orders passed by learned Presiding Officer, Labour Court-XVII, Karkardooma Courts, Delhi.

The petitioners have challenged in W.P.(C) No.4501/2014 order dated 23.01.2014 in LCA No.36/08, in W.P.(C) No.4502/2014 order dated 23.01.2014 in LCA No.34/08, in W.P.(C) No.4503/2014 order dated 23.01.2014 in LCA No.35/08, in W.P.(C) No.4504/2014 order dated 23.01.2014 in LCA No.43/08, in W.P.(C) No.4586/2014 order dated 23.01.2014 in LCA No.47/08, in W.P.(C) No.7170/2014 order dated 29.04.2014 in LCA No.33/08 and in W.P.(C) No.7176/2014 order dated 29.04.2014 in LCA No.77/10 respectively.

Since all these petitions involve identical issue, therefore, all the petitions are being disposed of by this common order.

Learned counsel for the petitioners submits that the petitioners moved an application dated 26.02.2011 under Section 11(1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'ID Act') read with Section 151 Civil Procedure Code (hereinafter referred to as 'CPC') for setting aside the order dated 23.02.2011 whereby a cost of Rs.1,000/- was imposed on the petitioners. Another application dated 24.03.2011 was also moved under Section 11(1) of the ID Act read with Section 151 CPC for recalling order dated 24.03.2011 whereby a

cost was again imposed on the petitioners. The said two applications were dismissed by the learned Labour Court vide order dated 04.08.2011. Thereafter, the petitioners moved an application under Section 11 of the ID Act read with Order 47 Rule 1 CPC for review of order dated 04.08.2011 along with an application under Section 11(1) of the ID Act read with Section 5 of the Limitation Act for condonation of delay in filing such application.

The application for condonation of delay was dismissed vide order dated 23.01.2014 (impugned in W.P.(C) Nos.4501/2014, 4502/2014, 4503/2014, 4504/2014 and 4586/2014) with a cost of Rs.5,000/- imposed on the petitioners. Further in W.P.(C) No.7170/2014 and W.P.(C) No.7176/2014, the petitioners moved an application for extension of time upto three weeks for depositing the cost imposed vide order dated 23.01.2014. The said application was dismissed vide order dated 29.04.2014 (impugned in W.P.(C) No.7170/2014 and W.P.(C) No.7176/2014).

The main grievance of the petitioners is that the petitioner company has closed down and the cost imposed by the trial Court is exorbitant.

Learned counsel for the petitioners, on instructions from Mohd. Shameem Faizee and Mr.Tilak Raj Bherwal, Manager cum Accountant of M/s. Peoples Publishing House Pvt. Ltd. states that the petitioners are ready to pay a sum of Rs.3,500/- each to the respondent in respective writ petitions. Statement of Mohd. Shameem Faizee,

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Managing Director of M/s. Peoples Publishing House Pvt. Ltd. has been recorded separately to this effect.

During the course of arguments, Mr.V.K. Tandon, learned counsel for the respondents submits that he has no objection if the orders dated 23.02.2011, 24.03.2011 and 23.01.2014 are modified and the amount of cost imposed by the Labour Court is reduced to Rs.3,500/- each payable to respondent in respective writ petitions.

Considering the facts and circumstances of the case and the submissions made by learned counsel for both the parties, orders dated 23.02.2011, 24.03.2011 and 23.01.2014 are modified and the petitioners are directed to pay a sum of Rs.3,500/- each to the respondent in the respective writ petitions within a period of one month from today.

With the aforesaid directions, all these petitions stand disposed of.

CM No.8966/2014 in W.P.(C) No.4501/2014
CM No.8968/2014 in W.P.(C) No.4502/2014
CM No.8970/2014 in W.P.(C) No.4503/2014
CM No.8972/2014 in W.P.(C) No.4504/2014
CM No.9130/2014 in W.P.(C) No.4586/2014
CM No.16841/2014 in W.P.(C) No. 7170/2014
CM No.16848/2014 in W.P.(C) No. 7176/2014

In view of the above, all the applications stand disposed of.

V. Vaish
12/3/15
V.P. VAISH, J

MARCH 12, 2015/gm

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fresh CM No. 6428/15 dir
- A/g Matter