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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (T) No. 7503 of 2010**

Arasmeta Captive Power Company Pvt. Limited. A Company Incorporated Under The Companies Act 1956, Having Its Registered Office At 88-293/82/ A/431 / A Road No 22, Jubilee Hills Hyderabad (Andhra Pradesh And Works At Gopalnagar, Distirct Janjgir Champa Chhattisgarh Through Its Authorised Signatory & Factory Manager Shri G.V. Suresh Babu

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Labour, Mantralaya, Dau Kalyan Singh Bhawan, Raipur Chhattisgarh
2. Cess Assessing Authority Cum-Labour Officer Appointed Under The Building And Other Construction Workers Welfare Cess Act, 1966, Janjgir, Distt. Janjgir-Champa, C. G.
3. Inspector Building And Other Construction Workers Workers Welfare Cess Act, 1966, Janjgir, Distt. Janjgir-Champa, Chhattisgarh

---- **Respondents****Writ Petition (T) No. 53 of 2012**

Managing Director Ultratech Cement Limited, Village & Post Rawan, District Baloda Bazar, Raipur Chhattisgarh , Through M. M. John General Manger, (Personnel) Ultratech Cement Limited, (Rawan Cement Works)

---- **Petitioner****Vs**

1. State of Chhattisgarh Through Secretary, Labour Department, D.K.S. Bhawan Raipur Chhattisgarh
2. Assistant Labour Commissioner Cum, Cess Assessing Officer Officer Of Assistant Labour Commissioner, Raipur Chhattisgarh
3. Inspector Appointed Under Building & Other Constructions Workers Act, & Labour Inspector Office Of Assistant Labour Commissioner Raipur Chhattisgarh
4. Chief Inspector Of Factories Directorate Industrial Health & Safety, O/o Labour Commissioner, Near Bottle House Shankar Nagar Raipur Chhattisgarh

---- **Respondents**

Writ Petition (T) No. 4946 of 2011

Hindustan Steel Works Construction Limited A Government of India Undertaking, Nirman Bhavan Bhilai Distt & Tahsil Durg Through Its General Manager

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary Department of Labour Welfare, D K S Bhawan Mantralaya, Raipur Chhattisgarh
2. Cess Assessing Officer Cum Assistant Labour Commissioner O/o Assistant Labour Commissioner Durg C G
3. Director Industrial Health & Safety A-301 Housing Board Apartment Near Girls College Raipur Naka Durg Chhattisgarh

---- **Respondents**

Writ Petition (T) No. 81 Of 2013

Prakash Industries Limited A Company Incorporated Under The Companies Act 1956, Having Its Head Office Near I.O.C.L. Depot, Main Najafgarh Road, Bijwasan, New Delhi 110061 Registered Office At 15 Km Stone, Delhi Road, Hissar 125044 [Har.] & Works At Champa, Distt. Janjgir Champa C.G. Through Its Power Of Attorney Holder Shri A. K. Singh, S/o Shri S. D. Singh, Aged About 47 Years R/o 15 V I P City Rajiv Vihar, Rajkishore Nagar Bilaspur Chhattisgarh

---- **Petitioner**

Vs

1. State of Chhattisgarh Through The Secretary, Department of Labour, Mantralaya D K S Bhawan Now Mahanadi Bhawan, Naya Raipur C.G
2. Cess Assessing Officer Cum Labour Officer Under Building & Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act 1996, Janjgir Distt. Janjgir Champa C.G.
3. Inspector, Building & Other Construction Workers (Regulation Of Employment & Conditions Of Service) Act, 1996, Janjgir District Janjgir Champa C. G.

---- **Respondents**

Writ Petition (C) No. 92 of 2015

Thermax Limited D-13 M I D C Industrial Area, R.D. Aga Road Chinchwad Pune (A Company Incorporated Under The Companies Act 1956) Through Its Assistant Manager And POA Laxmikant

Bhutada, S/o Gopal L. Bhutada, Age 31 Years R/o 813, Kasbapeth
Near Kamla Nehru Hospital Pune

---- **Petitioner**

Vs

1. National Mineral Development Corporation Khanij Bhawan,
Through Its General Manager (Technical) NISP, Nagarnar, District
Jangdalpur C.G.
2. Ministry of Labour And Employment Govt Of India Through
Regional Labour Commissioner Central D-6, Adarsh Society
Sector -1, Avanti Vihar Raipur District Raipur C.G.
3. The State of Chhattisgarh Through Its Secretary Ministry Of
Labour Secretariat New Raipur District Raipur C.G.

---- **Respondents**

Writ Petition (C) No. 5107 of 2010

Bhilai Jaypee Cement Limited (A Company Registered With
Registrar of Companies M.P. / C.G. Under The Indian Companies
Act Running A Grinding Unit Under The Name And Style Of Bhilai
Jaypee Grinding Plant B.S.P. Premises Opposite Sector 4
N.M.O.H. Slag Road Bhilai 490001 Durg Chhattisgarh

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Labour Department,
D.K.S. Bhawan, Raipur Chhattisgarh
2. Cess Assessing Officer Cum Assistant Labour Commissioner,
Office Of Assistant Labour Commissioner, Durg (C.G)
3. Chief Inspector Of Factories, Directorate Industrial Health & Safety
O/o Labour Commissioner, Near Bottle House, Shankar Nagar
Raipur (C.G)

---- **Respondents**

Writ Petition (C) No. 2144 of 2014

M/s Shapoorji Pallonji & Co. Private Ltd. O/o At 70 Nagindas,
Master Road Fort, Mumbai-23 & its EPC Project Office Located At
Dlf I.T.Park, 1 Tower-C, 14th Flr Plot No. 8, 59, Arterial Road,
Rajarhat, Kolkata Through its Authorised Signatory & Power Of
Attorney Holder Naida Nanda Roy S/o Manikeshwar Roy Dy.
Manager-Accounts Shapoorji Pallonji & Co Pvt Ltd Kolkata R/o
HIG-DD-05, Sri Sri Ravi Shankar Nagar, Housing Board Colony,
Hatkachora Jagdalpur, Bastar Permanent Add-Panifala Barabani
Burdwan W.B.

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Labour Welfare Mahandi Bhawan Mantralaya Raipur C.G.
2. Regional Labour Commissioner(Central) Chhattisgarh Raipur C.G.
3. Cess Assessing Officer Cum Assistant Labour Commissioner, Central District Raipur Chhattisgarh
4. MECON Ltd Govt. Of India Enterprise, Head Office Ranchi Jharkhand Consultant Company Of NISP Nagarnar Jagdalpur C.G.
5. Union Of India Through Its Secretary Ministry Of Labour Shram Shakti Bhawan New Delhi
6. N.M.D.C. Limited NMDC Iron And Steel Plant Nagarnaar Jagdalpur Dist. Bastar C.G.

---- Respondents

Writ Petition (C) No. 346 of 2014

M/s Associated Industrial Furnaces (P) Ltd. Through Its Authorized Representative, Amit Kumar Biswas, S/o Shri Amal Krishna Biswas Aged About 26 Years, Having Its Office At Ecospace-3A, 4th Floor, Unit No. 401c, Hidco Action Area-Ii, New Town Rajarhat Kolkata 700156

---- Petitioner

Vs

1. State Of Chhattisgarh Through Principal Secretary, Labour Department, New Mantralaya, Raipur C.G.
2. Assistant Labour Commissioner-Cum Registration Officer, Under Building and Other Construction Works Act, 1996, Raipur, Distt. Raipur C.G.
3. Bharat Aluminium Co. Ltd. A Company Incorporated Under The Companies Act, 1956, Through Its Managing Director Having Registerd Office At Aluminium Sadan, Core 6,scope Office Complex, 7 Lodhi Road, New Delhi 110003

---- Respondents

Writ Petition (C) No. 288 of 2015

M/s Simplex Infrastructures Limited Through Its Authorized Signatory Having Its Registered Office At Simplex House, 27, Shakespeare, Sarani, Kolkata, W.B

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur, C.G.
2. Regional Labour Commissioner (Central) Ministry Of Labour & Employment, Government Of India, Adarsh Society, Sector-1, Avanti Vihar, Raipur, C.G.
3. Cess Assessing Officer- Cum- Assistant Labour Commissioner (Central), Ministry Of Labour & Employment, Government Of India, Adarsh Society, Sector-1, Avanti Vihar, Raipur, C.G.
4. Steel Authority Of India Limited Through DGM (Project Steel Zone), Bhilai Steel Plant, Bhilai, Distt Durg, C.G.
5. Union Of India Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi
6. Chief Inspector Of Factories-Cum-Labour Commissioner, Government Of Chhattisgarh, Meera Datar Road, Shankar Nagar, Raipur, C.G.

---- Respondents

Writ Petition (T) No. 185 of 2014

M/s Shriram EPC Ltd. 4th Floor, Sigapi Achi Building, No. 18/3, Rukmani Lakshmipathi Road, Egmore Chennai 600 008
Represented Through G. Ramesh, S/o Late L.G. Gopola Krishnan, Aged 57 Years, Employed With The Petitioner As Vice President & Head (Hr And Administration) R/o At 12 B, Old Po Street, Ambattur, Chennai.

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary Department Of Labour Welfare, Mantralaya, Mahanadi Bhawan, Raipur Distt. Raipur C.G.
2. The Cess Assessing Authority-Cum-Labour Commission (Central), Vardhman Nagar, Rajnandgaon C.G.
3. MECON Ltd. Govt. Of India Enterprise, Head Office - Ranchi (Jharkhand), Consultant Company Of NISP Nagarnar, Jagdalpur C.G.
4. Union Of India Through Its Secretary, Ministry Of Labour, Shram Shakti Bhawan, New Delhi.

---- Respondents

Writ Petition (T) No. 100 of 2015

Power Mech Projects Limited Represented Through Mr. K. Suresh S/o Mr.K. Sai Babu, Aged About 40 Years, Employed With The

Petitioner As Deputy General Manager, Resident At Plot No. 77, Jubilee Enclave, Opp. HITEX, Madhapur, Hyderabad (Andhra Pradesh) 500081

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Labour Welfare, Mantralaya, Mahanadi Bhawan, Raipur District- Raipur (Chhattisgarh)
2. The Cess Assessing Authority-Cum- Labour Commissioner Raipur, District- Raipur (Chhattisgarh)
3. Doosan Power Systems India Pvt. Ltd., 16th Floor, Dlf Square, Jacranda Marg, Near NH 8, DLF Phase- li, Gurgaon, Haryana
4. G M R Chhattisgarh Energy Limited, Village- Raikheda, Block And Tahsil- Tilda, District- Raipur (Chhattisgarh)

---- **Respondents**

Writ Petition (T) No. 7490 of 2011

Ambuja Cements Limited (A Company Registered With Registrar Of Companies Gujrat Under The Indian Companies Act Village & Post Rawan, Baloda Bazar, Baloda Bazar, Distirct Raipur Chhattisgarh Through Its Manager, Legal

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through Secretary, Labour Department, D.K.S. Bhawan, Raipur Chhattisgarh
2. Cess Assessing Officer Cum-Assistant Labour Commissioner, Officer Of Assistant Labour Commissioner, Raipur C.G.
3. Chief Inspector Of Factories Directorate Industrial Health & Safety, O/o Labour Commissioner, Near Bottle House, Shankar Nagar, Raipur.

---- **Respondents**

Writ Petition (C) No. 94 of 2015

M/s Nova Iron & Steel Limited, A Company Incorporated Under The Companies Act, 1956, Works At Village Dagori, Tah. Bilha, Distt. Bilaspur C.G. Through Its Power Of Attorney Holder Rishi Pal, S/o Thakur Das, Aged 49 Years, R/o House No. 161, Sector 51, Post Office Sector 45, Police Station Sector - 34, Chandigarh, India.

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Industrial, Health And Safety, Mahanadi Bhawan, Mantralaya, Naya Raipur Distt. Raipur C.G.
2. Director Department Of Industrial, Health And Safety, Nirmal Chaya, Second Floor, Mira Datar Road, Shankar Nagar, Raipur Distt. Raipur C.G.
3. Deputy Director Department Of Industrial, Health And Safety, In Front Of Ganga Shri Parisar, Old High Court Road, Bilaspur, Distt. Bilaspur C.G.
4. Chief Inspector , Industrial Department Of Industrial, Health And Safety, Nirmal Chaya, Second Floor, Mira Datar Road, Shankar Nagar, Raipur Distt. Raipur C.G.

---- Respondents

Writ Petition (T) No. 5165 of 2011

Jindal Steel & Power Limited Post Box No 16, Kharsia Road, Raigarh Having Its Registered Office At O.P. Jindal Marg, Hisar Haryana Through Its Authorized Signatory Raigarh Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Mantralaya Dau Kalyan Singh, Bhawan, Raipur Chhattisgarh
2. Cess Assessing Authority-cum-Labour Officer appointed under the provisions of Section 6 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, Raigarh, District Raigarh (Chhattisgarh).
3. Deputy Director In Charge Industrial Health & Safety, Raigarh Division, MIG 11, Housing Board Colony, Boirdadar Road, Raigarh, C.G.
4. Deputy Chief Inspector of Factories, Office of the Chief Inspector of Factories, Government of Chhattisgarh, Raipur, Chhattisgarh

---- Respondents

Writ Petition (C) No. 2537 of 2014

M/s Siemens Limited Formerly Known As Siemens Vai Metals Technologies Pvt. Ltd, A Company Incorporated Under The Companies Act, 1956 Having Its Registered Office At 130, Pandurang Budhkar Marg, Worli Mumbai, 400018, Maharashtra

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Labour Department, Mahanadi Bhawan Mantralaya, Raipur, Distt Raipur, C.G.
2. Regional Labour Commissioner (Central), Chhattisgarh, Raipur, C.G.
3. Assistant Labor Commissioner Cum Registration Officer Under The Building And Other Construction Act 1996, Raipur, District Raipur, C. G.
4. Director Industrial Health And Safety, 100, Vardhaman Nagar Rajnandgaon, C. G.
5. MECON Ltd. Government Of India Enterprise, Head Office Ranchi, Jharkhand, Consultant Company Of NISP Nagarnar, Jagdalpur, C.G.
6. Union Of India Through Its Secretary Ministry Of Labour, Sharam Shakti Bhawan, New Delhi
7. N.M.D.C. Limited NMDC Iron And Steel Plant, Nagarnar, District Jagdalpur, C. G.

---- Respondents

Writ Petition (C) No. 2143 of 2014

M/s NCC Ltd. (Formerly known as Nagarjuna Construction Co. Ltd.) having its Registered office At NCC House, 9th Floor, Madhapur, Hyderabad, Telangana 500081 Through Its Authorized Signatory And Power Of Attorney Holder Mr. M V Srinivasa Murthy Sr. Vice President (Legal) and Company Secretary

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary Department Of Labour Welfare Mahandi Bhawan Mantralaya Raipur C. G
2. Regional Labour Commissioner (Central) Chhattisgarh Raipur C.G.
3. Cess Assessing Officer Cum Assistant Labour Commissioner, (Central) Distirct Raipur Chhattisgarh
4. MECON Ltd Govt. Of India Enterprise, Head Office Ranchi Jharkhand Consultant Company Of NISP Nagarnar Jagdalpur CG
5. Union Of India Through Its Secretary Ministry Of Labour Shram Shakti Bhawan New Delhi
6. N.M.D.C. Limited NMDC Iron And Steel Plant Nagarnaar Jagdalpur Dist. Bastar C. G.

---- Respondents

Writ Petition (C) No. 384 of 2014

M/s Uniseven Engineering & Infrastructure Pvt. Ltd. Through Its Authorize Representative, Mr. Soumadeep Pal, Deputy Manager, (Project) And The Site In Charge At The Work Site Of Bharat Alumunium Co. Ltd., Korba, C.G., S/o Mr. Shishir Ranjan Pal Residing at Care Mr. Narayan Singh EWS-80, 1st Floor, MP Nagar, Korba, Distt Korba, C. G.

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through Principal Secretary, Labour Department, Mantralaya, New Raipur, Distt Raipur, C G
2. Assistant Labour Commissioner-Cum-Registration Officer, Under Building And Other Construction Works Act 1996, Raipur, Distt Raipur, CG
3. Bharat Alumunium Company Ltd, Through Its Managing Director, Having Registered Office At Aluminium Sadan Core 6, Scope Office Complex, 7 Lodhi Road, New Delhi 110003

---- **Respondents**

Writ Petition (T) No. 7484 of 2010

KSK Mahanadhi Power Company Ltd. A Company Incorporated Under The Companies Act 1956, Having Its Registered Office At Plot No 431/a Road No 22, Jubilee Hills, Hyderabad (Andhra Pradesh) And Works At Village Nariyara, Tahisl Akaltara, District Janjgir Champa Chhattisgarh Through Its Authorized Signatory

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mantralaya, Dau Kalyan Singh Bhawan, Raipur Chhattisgarh
2. Cess Assessing Authority Cum Labour Officer, Under Building And Other Construction, Workers Welfare Cress Act 1996, Janjgir Distirct Janjgir Champa Chhattisgarh
3. Inspector, Building And Other Construction Workers Welfare Cess Act 1996, Janjgir, Distirct Janjgir Champa Chhattisgarh

---- **Respondents**

Writ Petition (C) No. 392 of 2015

M/s Danieli India Pvt. Ltd. Registered Office At: Technopolis, Block-BP Plot- IV, 5th Floor, B Wing Sector V, Salt Lake Kolkata- 700091

Through:- Joint Managing Director, Mr. Bikramjit Ghosh, S/o Late Mr. Mohan Lal Ghosh, Aged About 55 Years, R/o. Kolkata (W.B.)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through: - The Secretary, Labour Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur. (C.G.)
2. Union Of India, Through:- The Secretary, Ministry Of Labour, Department Of Employment, Shram Shakti Bhawan, New Delhi.
3. Chief Inspector Of Factories Cum Labour Commissioner, Near Office Of State Information Commission, Shankar Nagar, Raipur (C. G.)
4. Regional Labour Commissioner Central Mining Of Labour And Employment Govt. Of India, D.6, Aadarsh Society Sector- 1 Awanti Vihar Raipur (C.G.)
5. Cess Assessing Officer Cum Assistant Labour Commissioner (Central), Vardhaman Nagar, Rajnandgaon (C.G.)
6. National Mineral Development Corporation Ltd (N.M.D.C. Ltd.) Through:- General Manager (Personnel), N.M.D.C. Iron & Steel Plant, Nagarnar, District Jagdalpur, Bastar (C.G.)
7. MECON Ltd. Government Of India Enterprise, Head Office:- Ranchi Jharkhand, Project Management Consultant Company Of NISP, NMDC Iron & Steel Plant, Nagarnar, Jagdalpur, Bastar

---- **Respondents**

Writ Petition (C) No. 887 of 2014

1. Shapoorji Pallonji & Company Ltd. Having Its Administrative Office At MMBU Office DLF IT Park I, Tower C, 14th, Floor, Plot No. 8, Major Arterial Road, Rajarhat, Post & P.S. New Town, Kolkata W.B,
2. Ganga Bihari Dixit S/o Shri Kulamani Dixit Aged About 42 Years Manager Accounts, Shapooraji Pallonji, & Company Ltd, Kolkatta, R/o B137, Street No. 14, Smriti Nagar Bhilai, Post & P.S. Nehru Nagar, Distt. Durg. C.G.

---- **Petitioners**

Vs

1. Union Of India Through The Secretary, Ministry Of Labour & Employment, Jaisalmer House New Delhi 110001.
2. The Deputy Central Labour Commissioner, Ministry Of Labour & Employment, Government Of India D-6, Adarsh Society, Sector -1, Avanti Vihar, Raipur Civil & Rev. Distt. Raipur C.G.

3. The Assistant Labour Commissioner (Central) Ministry Of Labour & Employment, Government Of India D-6, Adarsh Society, Sector-1, Avanti Vihar, Raipur Civil & Rev. Distt. Raipur C.G.
4. Steel Authority Of India Ltd, Through The Deputy General Manager (Proj. Steel Zone) Bhilai Steel Plant, Bhilai, Civil & Rev. Distt. Durg. C.G.
5. State Of Chhattisgarh The Secretary, Ministry Of Labour, Mantralaya, Post & P.S. Rakhi New Raipur, Civil & Revenue Distt. Raipur C.G.
6. The Chief Inspector Of Factories Labour Commissioner, Government Of C.G. Meera Datar Road, Near The Office Of The State Information Commission, Shankar Nagar, Raipur Civil & Revenue Distt. Raipur C.G.

---- Respondents

Writ Petition (C) No. 1590 of 2015

M/s Uniseven Engineering & Infrastructure Pvt. Ltd. Through Its Authorize Representative, Mr. Bisan Sengupta, Manager Project Execution And The Site In Charge At The Work Site Of Bhilai Steel Plant, Durg Chhattisgarh Aged About 53 Years Son Of Late Shri A. K. Sengupta, Uniseven Engineering And Infrastructure, ECOSPACE Business Park, Block - 3 A, Unit No. 401 A, 4th Floor, 2 F/11, New Town, Rajarhat, Kolkata - 700156

---- Petitioner

Vs

1. State Of Chhattisgarh Through Principal Secretary, Labour Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur (C. G.)
2. Assistant Labour Commissioner- Cum- Registration Officer, Under Building And Other Construction Works Act, 1996, Raipur, District Raipur (C. G.)
3. Steel Authority Of India Ltd., A Company Incorporated Under The Companies Act 1956 And Having Its Registered Office At Ispat Bhawa, Lodhi Road, New Delhi - 110003, Having Its Plant Bhilai Steel Plant At Bhilai, Through Its General Manager Bhilai Steel Plant, Bhilai, District - Durg, C. G. -490001

---- Respondents

Writ Petition (T) No. 546 of 2011

S.E.P.C.O. Electric Power Construction Corporation Jinger Road, Jinan, Shandong (China) Works At Balco Nagar, Korba, District Korba Chhattisgarh Through Its Authorized Signatory Anugrah

Mishra S/o Shri S. K. Mishra, Aged About 29 Years, R/o Madhya Nagaari Chowk Bilaspur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Labour Mantralaya D K S Bhawan Raipur Chhattigarh
2. The Cess Assessing Authority Cum Assistant Labour Commissioner Building And Other Construction Worker Welfare Cess Act 1996 Korba District Korba C G
3. The Inspector Building And Other Construction Worker Welfare Cess Act 1996 Korba Distt. Korba C G

---- Respondents

Writ Petition (T) No. 5261 of 2011

M/s Areva T&D India Ltd. A Company Duly Incorporated Under The Relevant Provisions Of The Companies Act, Having Its Registered Office At E - 48/7, Okhla Industrial Area, Phase - I I New Delhi 110020

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Welfare, D K S Bhawan, Manatralaya, Raipur Chhattisgarh
2. Cess Assessing Officer Cum Assistant Labour Commissioner And Dy. Director Industrial Health & Safety A-301 Housing Board Apartment Near Girls College Raipur Naka Durg C G
3. Bhilai Steel Plant Through Managing Director A Govt. Of India Enterprises Ispat Bhawan Bhilai Distt. Durg C G

---- Respondents

Writ Petition (C) No. 2008 of 2014

M/s Bhilai Engineering Corporation Ltd. Hathkhoj Village, Industrial Area, Bhilai, District Durg (C.G.) Through Its Authorised Singatory Mr. Madhavdas K. S/o Late P. Raghunath Menon Age 54 Yrs R/o Bhilai Distt. Durg (C.G.)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Labour, Mahanadi Bhawan, Mantralaya, Naya Raipur, C.G.
2. Cess Assessing Officer Cum Assistant Labour Commissioner (Central) Vardhaman Nagar Rajnandgaon C.G.

3. MECON Ltd. Government Of India Enterprise Head Office Ranchi Jharkhand Consultant Company Of NISP Nagarnar, Jagdalpur C.G.
4. Union Of India Through Its Secretary Ministry Of Labour Shram Shakti Bhawan New Delhi

---- Respondents

Writ Petition (C) No. 1242 of 2015

M/s Simplex Infrastructures Limited Through Its Authorized Signatory Having Its Registered Office At Simplex House, 27, Shakespeare, Sarani, Kolkata (West Bengal)

---- Petitioner

Vs

1. State Of Chhattisgarh Through- The Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. Regional Labour Commissioner (Central), Ministry Of Labour & Employment, Government Of India, Adarsh Society, Sector-1, Avanti Vihar, Raipur (Chhattisgarh)
3. Cess Assessing Officer -Cum- Assistant Labour Commissioner (Central), Ministry Of Labour & Employment, Government Of India, Adarsh Society, Sector-1, Avanti Vihar, Raipur (Chhattisgarh)
4. Doosan Power Systems India Pvt. Ltd. Through Its Authorized Signatory, 16th Floor, DLF Square, Jacranda Marg, Near N H-8, D L F- Phase II, Gurgaon, Haryana 122002.
5. Union Of India, Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi
6. Chief Inspector Of Factories-Cum-Labour Commissioner, Government Of Chhattisgarh, Meera Datar Road, Shankar Nagar, Raipur (Chhattisgarh)

---- Respondents

Writ Petition (T) No. 184 of 2014

M/s Beekay Engineering Corporation Bhilai, 45/47, Industrial Estate, Bhilai Through Prashant Kumar Das S/o Late H.S. Das, Aged 54 Years, General Manager (P&a) R/o 648u, Street 38, Smriti Nagar, Ps Bhilai, Tah. Durg, Civil And Rev. Distt. Durg C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Labour Welfare, Mantralaya, Mahanadi Bhawan, Raipur Distt. Raipur C.G.
2. The Cess Assessing Authority Cum Labour Commissioner (Central), Vardhman Nagar, Rajnandgaon, C.G.
3. MECON Ltd Govt. Of India Enterprise, Head Office - Ranchi (Jharkhand), Consultant Company Of N I S P Nagarnar, Jagdalpur C.G.
4. Union Of India Through Its Secretary, Ministry Of Labour, Shram Shakti Bhawan, New Delhi.

---- Respondents

Writ Petition (C) No. 2521 of 2014

Abhiram Infra Project Private Limited Having Its Regd. Office Flat No. B-302, Utsav, Seenappa Layout, New B E L Road, Bangalore - 560094., Through Its Authorized Signatory And Power Of Attorney Holder Mr. M. Satyanarayan Raju, Aged 26 Years, S/o M. Rajgopal Raju, Currently Working As Project Manager, R/o Village Nagarnar, Distt. Bastar C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur C.G.
2. Regional Labour Commissioner(Central) Chhattisgarh, Raipur C.G.
3. Cess Assessing Officer-Cum-Assistant Labour Commissioner (Central), Distt. Raipur C.G.
4. MECON Ltd., Govt. Of India Enterprise, Head Office Ranchi Jharkhand, Consultant Company Of N I S P Nagarnar, Jagdalpur C.G.
5. Union Of India Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi.
6. NMDC Ltd. NMDC Iron And Steel Plant, Nagarnaar, Distt. Jagdalpur 494001.

---- Respondents

Writ Petition (T) No. 1099 Of 2011

NTPC SAIL Power Company Private Limited, Bhilai, District Durg, (C.G.), Through Its General Manager V. D. Paranjape, S/o D. G. Paranjape, Aged About 56 Years.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Welfare, D K S Bhawan, Mantralaya, Raipur, (Chhattisgarh)
2. Cess Assessing Officer Cum Assistant Labour Commissioner, O/o Assistant Labour Commissioner, Durg, C.G.

---- Respondents

Writ Petition (T) No. 79 of 2015

M/s Emami Cement Ltd. A Company Registered Under The Companies Act 1956 Having Its Registered Office At 687 Anandapur, E M Bypass Kolkata 700107 And Works At Village Risda, Suhela Road Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh 493332, Through Its Power Of Attorney Holder Shri Ashok Kumar Shukla S/o Shri Hari Bhushan Shukla Aged About 56 Years R/o A 19, Green Orchid Avani Vihar Daldal Seoni Road, Mova Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Cess Assessing Officer Cum Labour Officer Under Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act 1996, Baloda Bazar, District Baloda Bazar, Bhatapara Chhattisgarh
3. Inspector, Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act. 1996, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

Writ Petition (T) No. 112 of 2016

M/s Shreejirupa Project Limited 206 Krishna Complex 2 Near Jaipark, Nana Mava Road Rajkot 1 (Gujrat) At Present 289 Sundarnagar Behind C.S. E.B. Office Raipur, District Raipur (Chhattisgarh) Through Director Sanjay Bhai M. Varsani S/o M.M. Varsani, Aged About 43 Years, Office And R/o 289 Sundarnagar Behind C. S. E.B. Office Raipur, District Raipur Chhattisgarh

---- Petitioner

Vs

1. Union Of India Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi

2. Regional Labour Commissioner, (Central) Chhattisgarh Raipur, Chhattisgarh
3. The Cess Assessing Authority Cum Labour Commissioner (Central), Vardhman Nagar, Rajnandgaon, Chhattisgarh
4. N.M.D.C. Limited, N.M.D.C. Iron And Steel Plant, Nagarnar, District Jagdalpur, Chhattisgarh
5. State Of Chhattisgarh Through The Secretary Through Departmet Of Labour Welfare Mantralaya, Mahanadi Bhawan, Raipur, District Raipur, Chhattisgarh

---- Respondents

Writ Petition (T) No. 111 of 2016

M/s Shreejikrupa Project Limited 206 Krishna Complex 2 Near Jaipark, Nana Mava Road Rajkot 1 (Gujrat) At Present 289 Sundarnagar Behind C.S. E.B. Office Riapur, District Raipur Chhattisgarh, Through Director Sanjay Bhai M. Varsani S/o M.M. Varsani Aged About 43 Years Office And R/o 289 Sundarnagar Behind C.S. E.B. Office Raipur, District Raipur Chhattisgarh

---- Petitioner

Vs

1. Union Of India Through Its Secretary, Ministry Of Labour Shram Shakti Bhawan, New Delhi,
2. Regional Labour Commissioner, (Central) Chhattisgarh Raipur Chhattisgarh
3. The Cess Assessing Authority Cum Labour Commissioner (Central), Vardhman Nagar, Rajnandgaon Chhattisgarh
4. N.M.D.C. Limited, N.M.D.C. Iron And Steel Plant, Nagarnar, District Jagdalpur, Chhattisgarh
5. State Of Chhattisgarh Thorugh The Secretary Through Departmet Of Labour Welfare Mantralaya, Mahanadi Bhawan, Raipur, District Raipur Chhattisgarh

---- Respondents

Writ Petition (T) No. 109 of 2016

M/s Kunal Structure (India) Pvt. Ltd. Shop No. 7, Panchvati Tower Near Bhaktidham Temple Opposite Atithi Apartment Panchvati Main Road, Rajkot, Gujrat, At Present 289, Sundarnagar Behind C. S. E. B. Office, Raipur, District- Raipur (Chhattisgarh), Through- Authorise Power Of Attorney Holder Sanjay Bhai M. Varsani, S/o M. M. Varsani, Age- 43 Years, Office And R/o 289, Sundarnagar Behind C. S. E. B. Office, Raipur, District- Raipur (Chhattisgarh)

---- Petitioner

Vs

1. Union Of India Through Its Secretary, Ministry Of Labour, Shram Shakti Bhawan, New Delhi.
2. Regional Labour Commissioner (Central), Chhattisgarh, Raipur (Chhattisgarh)
3. The Cess Assessing Authority Cum Labour Commissioner (Central) Vardhman Nagar, Rajnandgaon (Chhattisgarh)
4. N M D C Limited, N M D C Iron And Steel Plant, Nagarnar, District- Jagdalpur (Chhattisgarh)
5. State Of Chhattisgarh, Through- The Secretary, Through- Department Of Labour Welfare, Mantralaya, Mahanadi Bhawan, Raipur, District- Raipur (Chhattisgarh)

---- Respondents

Writ Petition (T) No. 39 of 2016

M/s Blue Star Limited Through Its Authorized Signatory Having Its Registered Office At Karturi Buildings, Mohan T Advani Chowk, Jamshedji, Tata Road, Mumbai 400020 (Maharashtra)

---- Petitioner

Vs

1. Union Of India Through Its Secretary, Ministry Of Labour, Shram Shakti Bhawan, New Delhi.
2. Regional Labour Commissioner, (Central), Chhattisgarh, Raipur, (Chhattisgarh)
3. Cess Assessing Officer Cum Assistant Labour Commissioner (Central), District Raipur, (Chhattisgarh)
4. NMDC Limited, N M D C Iron & Steel Plant, Nagarnaar, Distt. Bastar At Jagdalpur 494001
5. State Of Chhattisgarh, Through The Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (C) No. 1569 of 2015

L & T Construction Ltd. Having Its Registered Office At L & T House, N. M. Marg, Ballard Estate, Mumbai- 01 Through Its Authorities Representative Mr. P. Muthupandian.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur (Chhattisgarh).
2. Regional Labour Commissioner (Central), Chhattisgarh, Raipur (Chhattisgarh)
3. Cess Assessing Officer- Cum- Assistant Labour Commissioner (Central), District Raipur (Chhattisgarh)
4. MECON Ltd., Government Of India Enterprise, Head Office Ranchi Jharkhand, Consultant Company Of N I S P Nagarnar, Jagdalpur (Chhattisgarh) Through Its G M.
5. Union Of India Through Its Secretary Ministry Of Labour, Shram Sakti Bhawan, New Delhi.
6. N M D C Limited, N M D C Iron & Steel Plant, Nagarnaar, Distt. Bastar At Jagdalpur 494001 Through Its Executive Director

---- Respondents

Writ Petition (C) No. 2274 of 2014

M/s Linde India Ltd. Aged About 37 Years Through Project Manager, Koushik Paul, S/o Shri Ashit Paul, Age 37 Yrs, P/43, Taratala Road, Kolkata, W.B.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Labour Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Dist Raipur, C. G.
2. Union Of India, Through Secretary Ministry Of Labour Department And Employment, Shram Shakti Bhawan, New Delhi
3. Chief Inspector Of Factories Cum Labour Commissioner, Near Office Of State Information Commission, Shankar Nagar, Raipur, Distt Raipur, C. G.
4. Regional Labour Commissioner, Central Mining Of Labour And Employment Govt. Of India, D-6, Aadarash Society Sector-1, Awanti Vihar, Raipur, Distt Raipur, C. G.
5. Cess Assessing Officer Cum Assistant Labour Commissioner, (Central), Vardhaman Nagar, Rajnandgaon, C. G.
6. National Mineral Development Corporation Ltd (N.M.D.C. Ltd), Through General Manager (Personnel), N.I.S.P. Nagarnar, Distt Jagdalpur, Bastar, C. G.

7. MECON Ltd. Government Of India Enterprise, Head Office Ranchi Jharkhand, Consultant Compnay Of N I S P, N M D C Iron & Steel Plant, Nagarnar, Jagdalpur, Dist Bastar, C.G.

---- Respondents

Writ Petition (C) No. 1698 Of 2016

ACME Automation Pvt. Ltd. Through- Its Director, Rajesh Kumar Nair, 18- K, Light Industrial Area, Bhilai, District Durg, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Regional Labour Commissioner, (Central), Chhattisgarh, Raipur, (Chhattisgarh)
3. Cess Assessing Officer- Cum- Assistant Labour Commissioner, (Central), District Raipur, (Chhattisgarh)
4. N M D C Limited, N M D C Iron & Steel Plant, Nagarnaar, Through Its Executive Director, District Jagdalpur (Bastar) (Chhattisgarh)
5. Union Of India, Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi

---- Respondents

Writ Petition (C) No. 2459 of 2014

M/s Mukand Engineers Limited Having Its Registered Office At Bajaj Bhawan Jamnalal Bajaj Marg 226, Nariman Point Mumbai Maharashtra) Through Its Authorised Signatory And Power Of Attorney Holder Mr. Kumar Pesumal Jotwani

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour Welfare, Department Of Labour Welfare Mahanadi Bhawan, Mantralaya, Raipur C.G.
2. Regional Labour Commissioner Central Chhattisgarh Raipur C.G.
3. Cess Assessing Officer Cum Assistant Labour Commissioner Central District Raipur C.G.
4. MECON Ltd. Government Of India Enterprise, Head Office Ranchi Jharkhand, Consulatatnt Company Of NISP Nagarnar Jagdalpur, C.G.

5. Union Of India, Through Its Secretary Ministry Of Labour Shram Shakti Bhawan, New Delhi
6. N M D C Limited N M D C Iron & Steel Plant Nagarnaar, District Jagdalpur, C.G. 494001

---- Respondents

Writ Petition (C) No. 1262 of 2015

M/s Rashi Steel And Power Limited A Company Incorporated Under The Companies Act, 1956, Having Its Head Office At Village Paraghat, Jairamnagar, Station Road, Masturi, District Bilaspur, Chhattisgarh, Registered Office At B F-1, First Floor, Rajeev Plaza, Bilaspur, District Bilaspur (Chhattisgarh), Through : Its Director Namely Shri Mahesh Gupta, S/o. Late Gyanchand Gupta, Aged About 44 Years, R/o. A-25, Mahima Vihar, Ring Road No. 2, Bilaspur, P.S. And Post Bilaspur, Civil And Revenue District Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Labour, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Cess Imposing Officer-Cum-Labour Officer Under Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996, Bilaspur, District Bilaspur (Chhattisgarh)
3. Inspector, Building And Other Construction Workers (Regulation Of Employment & Conditions Of Service) Act, 1996, Bilaspur, District Bilaspur (Chhattisgarh)
4. Deputy Director, Industrial Health And Safety, In Front Of Ganga Shree Premises, Old High Court Road, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

Writ Petition (C) No. 2552 of 2014

Bharat Heavy Electricity Limited Having Its Registered Office At BHEL House, Siri Fort, New Delhi -110049, India, Through Its Authorized Signatory Mr. R. Raghavan, Age About 59 Years, General Manager (Incharge) M/s Bharat Heavy Electricals Ltd. Industrial Systems Group, Prof. C.N.R. Rao Circle, P.B.No. 1249, II SC Post Bangalore- 560012

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur, Distt Raipur, CG.
2. Regional Labour Commissioner (Central) Chhattisgarh, Raipur, District Raipur, C. G.
3. Cess Assessing Officer Cum Assistant Labour Commissioner (Central), District Raipur, C. G.
4. MECON Ltd., Government Of India Enterprise, Head Office Ranchi Jharkhand, Consultant Company Of Nisp Nagarnar, Jagdalpur, CG.
5. Union Of India Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi
6. NMDC Limited, NMDC Iron & Steel Plant, Nagarnaar, District Jagdalpur, 494001

---- Respondents

Writ Petition (L) No. 11 of 2013

1. Tata Projects Limited Registered Office At Mithona Towers-1, 1-7 80 To 87 Opp. Wesley Co.-Ed. Jr. College, Prenderghast Road, Secundrabad, Andhra Pradesh - 500003
2. Sandeep Kumar Gupta S/o Raddheshyam, R/o Construction Manager Of Tata Project Limited, Address N. I. S. P., B. F., N. M. D. C Project, Nagarnar, Jagdalpur, Distt Bastar, Chhattisgarh -494001

---- Petitioners

Vs

1. Union Of India Through The Secretary, Ministry Of Labour & Employment Having Its Office At Jaiselmer House, New Delhi 110001
2. The Regional Labour Commissioner (Central) Ministry Of Labour & Employment, Government Of India Having His Office At D-6, Adarsh Society, Sector- 1, Avanti Vihar, Raipur, Distt Raipur, C. G. 492006
3. The Assistant Labour Commissioner (Central) Ministry Of Labour & Employment, Govt. Of India Having His Office At D-6, Adarsh Society, Sector- I, Avanti Vihar, Raipur, Distt Raipur, C.G. 492006
4. N M D C Limited Through The General Manager (Technical), N I S P, Nagarnar, Distt Jagdalpur, C G
5. State Of Chhattisgarh Through The Secretary, Ministry Of Labour, Secretariat, New Raipur, Distt Raipur, C G
6. The Chief Inspector Of Factories Labour Commissioner, State Government Of Chhattisgarh, Having His Office At Meera Datar

Road, Near The Office Of The State Information Commission,
Shankar Nagar, Raipur, Distt Raipur, C G

---- Respondents

Writ Petition (T) No. 77 of 2012

Era Infra Engineering Limited Having Its Registered Officer At
370, 371/2 Sahi Hospital Road Jungpura, Bhogal, New Delhi
110014

---- Petitioner

Vs

1. Union Of India Through The Secretary, Ministry Of Labour & Employment Rafi Marg New Delhi
2. Office Of The Asstt. Labour Commissioner (Central) D-6, Sector-1, Awanti Vihar, Raipur C. G.
3. The Steel Authority Of India Ltd (A Govt. Of India Enterprise) Bhilai Steel Plant Bhilai 4950001 Chhattisgarh

---- Respondents

Writ Petition (T) No. 78 of 2012

Era Infra Engineering Ltd. 371/2 Sahi Hospital Road Jungpura,
Bhogal, New Delhi 110014

---- Petitioner

Vs

1. Union Of India Through The Secretary Ministry Of Labour & Employment Rafi Marg New Delhi
2. Office Of The Asstt. Labour Commissioner (Central) D-6, Sector-1, Awanti Vihar, Raipur C.G.
3. The Steel Authority Of India Ltd (A Govt Of India Enterprise) Bhilai Steel Plant Bhilai 4950001 Chhattisgarh

---- Respondents

Writ Petition (T) No. 141 of 2015

M/s Sarda Energy & Minerals Limited (A Company Registered
With Registrar Of Companies) Phase I Industrial Growth Centre,
Siltara, Raipur, District Raipur, (Chhattisgarh), Through Its Chief
Financial Officer.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Labour Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, (Chhattisgarh)
2. Cess Assessing Officer- Cum- Deputy Director Industrial Health & Safety Officer Of Labour Commissioner, Indrawati Bhawan, IInd Floor, Naya Raipur, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (T) No. 144 of 2015

M/s S K S Ispat & Power Limited (A Company Registered With Registrar Of Companies), Phase II Industrial Growth Centre, Siltara, Raipur, District Raipur, (Chhattisgarh), Through Its Director

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Labour Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, (Chhattisgarh)
2. Cess Assessing Officer- Cum- Deputy Director Industrial Health & Safety Office Of Labour Commissioner, Indrawavati Bhawan, IInd Floor, Naya Raipur, Raipur, (Chhattisgarh)

---- Respondents

Writ Petition (T) No. 68 of 2016

M/s Oriental Nicco Projects Pvt. Ltd. Through Mr. Bhaskar Saha, Project Head, Nagarnar, Jagdalpur Having Its Registered Office At Oriental House, S V K Road, Law Garden, Ellis Bridge, Ahmedabad (Gujrat)

---- Petitioner

Vs

1. Union Of India Through Its Secretary Ministry Of Labour, Shram Shakti Bhawan, New Delhi.
2. Regional Labour Commissioner (Central), Chhattisgarh, Raipur (Chhattisgarh)
3. Cess Assessing Officer-Cum- Assistant Labour Commissioner (Central), District Raipur (Chhattisgarh)
4. N M D C Limited, N M D C Iron & Steel Plant, Nagarnaar, Jagdalpur Distt Bastar At Jagdalpur, 494001 Through Its Executive Director.

5. State Of Chhattisgarh, Through The Secretary, Department Of Labour Welfare, Mahanadi Bhawan, Mantralaya, Raipur (Chhattisgarh).

---- Respondents

For Petitioners : Shri Ashish Shrivastava, Shri Vaibhav Shukla, Shri Ajay Kumar Dwivedi, Shri Rahul Tamaskar, Shri Anand Dadariya, Shri Dharmesh Shrivastava, Shri Rajeev Shrivastava, Shri S.S.Baghel, Shri A.S.Rajput, Shri F.S.Khare, Shri A.K.Mishra, Shri Himanshu Sinha, Shri Sourabh Sharma, Shri P.R.Patankar, Shri Utsav Mahisvar, Shri Manoj Paranjpe, Shri N.N.Roy, and Shri Anup Majumdar, Advocates.

For Respondent/State : Shri Y.S.Thakur, Additional Advocate General and Shri Arun Sao, Deputy Advocate General.

For Respondent/UoI : Shri Bhupendra Singh, Standing Counsel.

For other Respondents : Shri Abhishek Sinha, Ms. S. Harshita, Shri Kashif Shakeel, Shri Pramod Shrivastava, Shri Roshan Dubey, Advocates.

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

18/11/2016

1. With the consent of Learned Counsel for the Parties, all the writ petitions are taken up for hearing and are being disposed of by this common order.
2. The Petitioners in all these writ petitions have raised a plea that they do not fall within the ambit and scope of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter called 'the BOCW Act') or the Building and Other Construction Workers' Welfare Cess Act, 1996 (hereinafter called 'the BOCW Cess Act').

3. The main contention of the Petitioners is that since the Petitioners are registered under the Factories Act, 1948 and the rules made thereunder i.e. the Chhattisgarh Factories Rules, 1962, in terms of provisions of Section 2(1)(d) of the BOCW Act, they are excluded and exempted from the provisions of the BOCW Act.
4. This issue is no longer *res integra*. The Apex Court in Lanco Anpara Power Limited. v. State of Uttar Pradesh (Civil Appeal No.6223 of 2016) and other connected matters, has dealt with this contention in detail. The issues raised by learned counsel for the Factory owners before the Apex Court are as follows:

"i) In the first instance, it is argued that BOCW Act does not apply to those undertakings which are registered under the Factories Act. To support this submission, emphasis was laid on the definition of "building or other construction work" as contained in Section 2(1) (d) of BOCW Act, which reads as under:

"Section 2(1)(d) : "building or other construction work" means the construction, alternation, repairs, maintenance or demolition of or, in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph and overseas communication dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aquaducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the appropriate Government, by notification but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the Mines Act, 1952 (35 of 1952), apply. (emphasis added)"

(ii) Second submission, which in fact flows from first submission noted above, was that the approach of the High Court in dealing with the matter was contrary to law. In this behalf, it was pointed out that the High Court has rejected the case of the appellants herein on the ground that even if the appellants had obtained a licence under the Factories Act for registration to work a factory, the appellants were still not excluded from the provisions of Welfare Cess Act as no manufacturing process or factory operation had started by the appellants and, therefore, appellants did not answer the description of 'factory' within the meaning of

Factories Act. As per the High Court, since the appellants had only undertaken the process of construction of premises which are to be ultimately used as factories, and since such power project has not started and there was no operation for which the licence was obtained under the Factories Act till the production commences, it could not be said that “factory” has come into existence and, therefore, the appellants were not entitled to take advantage of mere registration under the Factories Act. Dubbing the aforesaid approach as erroneous, it was the argument of the appellants that the High Court ignored the pertinent aspect that even when the building was under construction, the establishments which were covered by the Factories Act stood excluded by virtue of definition contained in Section 2(d) of BOCW Act which pertained to construction of building and, therefore, specifically covered the stage of construction itself. It was argued that matter should have been seen from that angle. Advancing this argument further, it was also submitted that the Legislature is alive to the fact that the factory is not running at the stage when building or other construction work is going on. However, it still chose to exclude those buildings or other construction work to which the provisions of Factories Act apply.”

5. After noting the contentions of learned counsel and the provisions of the Factories Act and the BOCW Act and the various authorities cited, the Apex Court dealing with the scope and ambit of Section 2(d) of the BOCW Act held as follows:

"17. Keeping in view the aforesaid objective of the respective Acts, we now deal with the scope and ambit of Section 2(d) of BOCW Act. As noticed above, one of the submissions of the appellants is that literal interpretation needs to be given to the said provision as it categorically excludes those building or construction work to which Factories Act apply. In this very hue, it is argued that as the benefit under the Factories Act are already given to the construction workers who are involved in the construction work, there is no need for covering the construction workers who are engaged in building or construction work of the appellants under BOCW Act or Welfare Cess Act.

21. On the conjoint reading of the aforesaid provisions, it becomes clear that “factory” is that establishment where manufacturing process is carried on with or without the aid of power. Carrying on this manufacturing process or manufacturing activity is thus a prerequisite. It is equally pertinent to note that it covers only those workers who are engaged in the said manufacturing process. Insofar as these appellants are concerned, construction of building is not their business activity or manufacturing process. In fact, the building is being constructed for carrying out the particular manufacturing process, which, in most of these appeals, is generation, transmission and distribution of power. Obviously, the workers who are engaged in construction of the building also do

not fall within the definition of 'worker' under the Factories Act. On these two aspects there is no cleavage and both parties are at ad idem. What follows is that these construction workers are not covered by the provisions of the Factories Act.

22. Having regard to the above, if the contention of the appellants is accepted, the construction workers engaged in the construction of building undertaken by the appellants which is to be used ultimately as factory, would stand excluded from the provisions of BOCW Act and Welfare Cess Act as well. Could this be the intention while providing the definition of 'building and other construction work' in Section 2(d) of BOCW Act? Clear answer to this has to be in the negative.

23. We may mention at this stage that High Court is right in observing that merely because the appellants have obtained a licence under Section 6 of the Factories Act for registration to work a factory, it would not follow therefrom that they answer the description of the "factory" within the meaning of the Factories Act. We have reproduced the definition of 'factory' and a bare reading thereof makes it abundantly clear that before this stage, when construction of the project is completed and the manufacturing process starts, 'factory' within the meaning of Section 2(m) of the Factories Act does not come into existence so as to be covered by the said Act.

32. In taking the aforesaid view, we also agree with the learned counsel for the respondents that 'superior purpose' contained in BOCW Act and Welfare Cess Act has to be kept in mind when two enactments – the Factories Act on the one hand and BOCW Act/Welfare Cess Act on the other hand, are involved, both of which are welfare legislations. (See *Allahabad Bank v. Canara Bank*¹⁸, which has been followed in *Pegasus Assets Reconstruction P. Ltd. v. M/s. Haryana Concast Limited & Anr.*¹⁹ in the context of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and Companies Act, 1956. Here the concept of 'felt necessity' would get triggered and as per the Statement of Objects and Reasons contained in BOCW Act, since the purpose of this Act is to take care of a particular necessity i.e. welfare of unorganised labour class involved in construction activity, that needs to be achieved and not to be discarded. Here the doctrine of Purposive Interpretation also gets attracted which is explained in recent judgments of this Court in *Richa Mishra v. State of Chhattisgarh and Others*²⁰ and *Shailesh Dhairyawan v. Mohan Balkrishna Lulla*²¹.

33. We are left to deal with the argument of the appellants that while granting permission under the Factories Act, various conditions are imposed which the appellants are required to fulfill and these conditions are almost the same which are contained in BOCW Act. We are not convinced with this submission either. It is already held that provisions of Factories Act are not applicable to these construction workers. Registration under the Factories Act becomes necessary in view of provisions contained in Section 6 of the said Act as this Section requires taking of approval and registration of factories even at preparatory stage i.e. at the stage

when the premises where factory is to operate has to ensure that construction will be done in such a manner that it takes care of safety measures etc. which are provided in the Factories Act. This means to ensure that construction is carried out in such a manner that provisions in the Factories Act to ensure health, safety and provisions relating to hazardous process as well as welfare measures are taken care of. It is for this reason that even after the building is completed before it is occupied, notice under Section 7 is to be given by the occupier to the Chief Inspector of Factories so that a necessary inspection is carried out to verify that all such measures are in place. Therefore, when the permissions for construction of factories is given, the purpose is altogether different.

34. It is stated at the cost of repetition that construction workers are not covered by the Factories Act and, therefore, welfare measures specifically provided for such workers under the BOCW Act and Welfare Cess Act cannot be denied.

35. We, thus, hold that all these appeals are bereft of any merit. Accordingly, these appeals, along with the writ petitions filed before this Court as also those which are the subject matter of the transfer petition and transfer cases, are dismissed with cost. We, however, make it clear that insofar as objection to the calculation of cess as contained in the show cause notices is concerned, it would be open to the appellants to agitate the same before the adjudicating authorities.

No costs."

6. In view of the aforesaid pronouncement by the Apex Court, it is not disputed by learned Counsel for the Petitioners that the Petitioners would also fall within the scope and ambit of BOCW Act as well as the BOCW Cess Act. The concerned employer has to be registered under the BOCW Act. That registration will now be necessary for all the Petitioners. Some of the Petitioners are registered but some are not. Therefore, a prayer has been made that since the law was not clear till the judgment was passed by the Apex Court, the Petitioners who are not registered may be given some time to get themselves registered.
7. However, they have some further submissions in this regard and according to the Petitioners, while raising the demand or recovering the amount under the BOCW Act, the procedure prescribed under the BOCW Cess Act has not been followed. Section 3 of BOCW Cess Act provides

for levy and collection of cess. Since the Petitioners do not dispute that they fall within the ambit and scope of this provision, they are not disputing that in view of the judgment of the Apex Court in Lanco Anpara Power Limited (Supra), they are liable to pay cess under this Act. It is submitted on their behalf that the levy and recovery of cess is not in accordance with BOCW Cess Act.

8. In this regard, reference may be made to Sections 3, 4 and 5 of the BOCW Cess Act which read as follows:

"3. Levy and collection of cess. (1) There shall be levied and collected a cess for the purposes of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, at such rate not exceeding two per cent but not less than one per cent of the cost of construction incurred by an employer, as the Central Government may, by notification in the Official Gazette, from time to time specify.

(2) The cess levied under sub-section (1) shall be collected from every employer in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or of a public sector undertaking or advance collection through a local authority where an approval of such building or other construction work by such local authority is required, as may be prescribed.

(3) The proceeds of the cess collected under sub-section (2) shall be paid by the local authority or the State Government collecting the cess to the Board after deducting the cost of collection of such cess not exceeding one per cent of the amount collected.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), the cess leviable under this Act including payment of such cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed on the basis of the quantum of the building or other construction work involved.

4. Furnishing of returns. (1) Every employer shall furnish such return to such officer or authority, in such manner and at such time as may be prescribed.

(2) If any person carrying on the building or other construction work, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person to furnish such return before such date as may be specified in the notice.

5. Assessment of cess. (1) The officer or authority to whom or to which the return has been furnished under section 4 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the employer.

(2) If the return has not been furnished to the officer or authority under sub-section (2) of section 4, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the employer.

(3) An order of assessment made under sub-section (1) or sub-section (2) shall specify the date within which the cess shall be paid by the employer."

9. A perusal of the aforesaid provisions show that Section 3 deals with levy and collection of cess. Cess cannot be less than 1% but cannot exceed 2%. The cess has to be calculated on the cost of construction incurred by the employer. Some of the contracts which have been entered into are combined contracts dealing both with construction and works of other nature, such as design etc. There can be no manner of doubt that cess would only be payable on the construction activity and the construction aspect of the contract. Cess would not be payable on those items which do not fall under the construction activities. However, this is not to be decided by this Court. A machinery and procedure has been prescribed under the BOCW Cess Act itself for doing needful. Section 4 provides that the employer shall file return and in this return, the employer can show which portion of the contract relates to the construction activity and which does not. The assessment of the return has to be done by the authority under Section 5 of the BOCW Cess Act. The Assessing Officer will then assess the return and decide which portion of the contract covers construction activities and which portion does not. It is however clarified that in view of the provisions of Section 5(2) if the return is not filed by the Assessee within the prescribed, then the Assessing Officer can make his return on the basis of best judgment assessment. After the Assessing Officer passes an assessment order, then only recovery can be made in

terms of provisions of Section 10. Section 8 provides that interest would be levied on the delayed payment of cess and if in case the cess is not deposited within the time specified under Section 3, the employer shall be liable to pay interest at the rate of 2% per month. Section 9 provides for penalty for non-payment of cess within the specified time. Section 10 is the recovery provision which mandates that the arrears of cess, penalty, interest can be recovered as the arrears of land revenue from the employer.

10. Learned counsel for the Petitioners urge that since there was no clarity with regard to interpretation of Section 2(d) of the BOCW Act, they have not got themselves registered and they may be granted some time to get themselves registered.
11. In case of those Petitioners who are not registered, I feel that interest of justice would be served if they are granted two months time to apply for registration. The Registering Authority is directed to ensure that within a period of six weeks from the date of application for registration, the registration shall be completed. Within one month of the registration of the Petitioners, they must file their return and the return shall not be treated to be delayed in case it is filed within the time granted by the Court. Thereafter, assessment shall be made as per the provisions of law.
12. In case of those petitioners who are already registered under the BOCW Act, they are directed to file their return within two months from today and if the return are filed within two months, then the Assessing Officer shall deal with their return in accordance with law. Needless to say that the Assessee/employer shall be given an opportunity of hearing. Since it is not disputed that the demand notices issued and recoveries made till now have been made without making assessment in terms of Section 5 of the BOCW Cess Act, *prima facie*, these orders are not in accordance with

law. This Court has issued directions to start *de novo* proceedings and therefore no recovery shall be made on the basis of the old notices. In those cases, where recovery of cess has already been made, after assessment order is passed, in case the amount assessed is less than the amount recoverable, then balance amount shall be paid back to the concerned Petitioner(s) alongwith interest at the rate of 12% per month from the date of deposit till payment is made.

13. The writ petitions are disposed of in the aforesaid terms.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Subbu