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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ LPA 396/2016 & CMs 24464/2016 and 24465/2016

BHAWANA & ORS

..... Appellant

Through
Versus

Mr M.N. Singh, Adv.

M/S AMAR JYOTI CHARITABLE TRUST & ANR

..... Respondent

Through

Mr A.K. Singla, Sr. Adv. with Mr Rahul Shukla and Mr Abishek Khanna, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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01.08.2016

Mr A.K. Singla, learned Senior Counsel has entered appearance with Mr Rahul Shukla, Advocate for the respondent - trust. He submits that the primary grievance of the respondents was that the issue of limitation, and applicability of the Minimum Wages Act, 1948 has to be examined by the Appropriate Authority and the issue as framed would not specifically cover the said questions. It is submitted that the order dated 03.12.2015 should not be read as an order foreclosing and deciding the issue of limitation and applicability, of the Act on merits.

Learned counsel for the appellant submits that since the issue as framed includes the issue of limitation and also the applicability of the Act. He states that the question of limitation and applicability which are mixed questions of law and facts, to be decided after recording evidence, in the final order. He submits that the order dated 03.12.2015 does not decide or dispose of the issue of limitation of applicability one way or the other.

Learned Senior Counsel for the respondent trust submits that he has no objection if the questions and issue of limitation and applicability are decided after the evidence is completed, at the final stage.

In view of the statement made by learned counsel for the appellant and respondent trust, the impugned order is modified. It is made clear that the parties will be

bound by the statements made. The question of limitation and applicability of the Minimum wages Act, 1948 would be decided by the Authority after evidence is recorded at the final stage.

The Letters Patent Appeal is accordingly disposed of.

It is clarified that this Court has not expressed any opinion on the merits of the case one way or the other.

Pending CMs are also disposed of.

SANJIV KHANNA, J

SUNITA GUPTA, J

AUGUST 01, 2016/*rd*