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

+ **W.P.(C) 10146/2016**

DELHI FACTORY OWNERS FEDERATION Petitioner
Through: Mr. Arun Kumar Varma, Senior
Advocate with Mr. Bhuvnesh
Sehgal, Mr. Anubhav Bhasin and
Mr. Ashish Joshi, Advocates.

Versus

LT. GOVERNOR OF DELHI & ANR.Respondents
Through: Mr. Sanjay Ghose, ASC and
Ms. Pratishtha Vij, Advocates.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **02.11.2016**

CM No.40174/2016 (for exemption)

Allowed subject to all just exceptions.

The application stands disposed off.

W.P.(C) 10146/2016 & CM No.40173/2016 (for stay)

It is the petitioner's case that they are likely to be affected by any decision that may be taken by the Government of NCT of Delhi apropos revision of minimum wages under the Minimum Wages Act, 1948. The process for fixation of minimum wages has been initiated under Section 5(1)(a) of the Act. The Committee has been constituted under the Act. However, Mr. Arun Kumar Varma, the learned Senior Advocate for the petitioner submits that the petitioners who are Delhi based and represent

the employers, small scale, medium scale and large scale manufacturers and employers are not represented in the category of ‘employers’ representatives’ under Section 9 of the Act.

Mr. Sanjay Ghose, the learned counsel for the respondents, who appears on receipt of advance copy of the writ petition, submits that this writ petition is pre-mature because the Committee is yet to make a report and in any case, such report will first be considered by the GNCTD and whatever decision thereon will then be sent for approval of the Lieutenant Governor.

The Court is of the view that since the process of determination of minimum wages has already been initiated, it would be appropriate not to disturb the process at this stage. However, the petitioners’ may be accorded an opportunity to make a representation to the Committee so that their concerns are taken into consideration and specifically addressed. Accordingly, the petitioner may file their representation by 8th November, 2016 before the Committee, which shall duly consider the same. Should the Committee so deem it necessary, it may grant an opportunity of hearing to the petitioners.

The writ petition alongwith pending application stands disposed off in the above terms.

The Court has not expressed any views on the merits of the case.

A copy of this order be given *dasti* to the learned counsel for the parties.

NAJMI WAZIRI, J.

NOVEMBER 02, 2016

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