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

+ W.P.(C) 5291/2017

RAVI SHANKAR TIWARI M/S R. PLUTUS AND ANR

..... Petitioners

Through: Mr.Vikash Singh, Adv.

versus

GUFRAN AND ORS

..... Respondents

Through: Adv. (appearance not given)

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **14.06.2017**

CM No. 22413/2017 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

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1. Issue notice to the respondents to show cause as to why rule *nisi* be not issued.
2. In view of the fact that owing to default in its appearance, the petitioner was proceeded *ex-parte* by the Adjudicating Authority, on 21st September, 2015, whereafter the petitioner neither applied for setting aside the said order proceeding against it *ex-parte* nor caused appearance on any of the dates of hearing thereafter, i.e. on 05th October, 2015, 09th December, 2015, 13th January, 2016, 08th February, 2016, 24th February, 2016, 09th

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May, 2016 and 11th May, 2016, it is not possible to grant any *ex-parte* ad interim relief against the said order. The prayer for stay is accordingly rejected. The petitioner is directed to effect payment to the respondent in accordance with impugned order dated 06th June, 2016 within eight weeks. The said payment shall, however, remain subject to the outcome of the present writ petition.

3. At this stage, learned counsel for the petitioner prays that in view of the fact that complete payments in accordance with impugned order are being made by him, the matter may be remanded to the Adjudicating Authority herein.

4. Learned counsel for the respondent very fairly does not oppose the request. Accordingly, subject to the payment, as aforementioned being made by the petitioner within the period of eight weeks already stipulated, the impugned order dated 06th June, 2016 passed by the Adjudicating Authority is set aside and the proceedings remanded to the Adjudicating Authority i.e. Authority under Delhi Shops & Establishments Act, 1954, Dy. Labour Commissioner (South) de novo consideration in accordance with law.

5. The writ petition stands disposed of accordingly.

**C. HARI SHANKAR
(VACATION JUDGE)**

**JUNE 14, 2017
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