

\$~2 to 14
% 17.08.2017

Present: Ms. Anju Jain and Ms. Meghna Nagpal, Advs. for petitioner.
Mr. Hitesh Jauhar, Adv. for petitioner.
Mr. Rakesh Shukla, Adv. for respondent No.1.
Mr. Varun Pathak and Mr. Gaurav Adusumalli, Advs. for
respondent No.2 with respondent No.2 in person.
Mr. Anil K. Batra, Mr. Lakhi Singh and Mr. Praveen Kumar,
Advs. for respondent No.3/BPCL.
Mr. Sunil Sauson, Sr. Manager from Bharat Petroleum
Corporation.

+ W.P.(C) 8448/2016 & CM No. 34857/2016 & 34858/2016, W.P.(C) 9825/2016 & CM No. 39131/2016 & 39135/2016, W.P.(C) 9826/2016 & CM No. 39136/2016 & 39140/2016, W.P.(C) 9827/2016 & CM No. 39141/2016 & 39145/2016, W.P.(C) 9843/2016 & CM No. 39196/2016, 39200/2016 & 7149/2017, W.P.(C) 9853/2016 & CM No. 39223/2016 & 39227/2016, W.P.(C) 9875/2016 & CM No. 39323/2016 & 39327/2016, W.P.(C) 9886/2016 & CM No. 39336/2016 & 39340/2016, W.P.(C) 9888/2016 & CM No. 39343/2016 & 39347/2016, W.P.(C) 9889/2016 & CM No. 39348/2016 & 39352/2016, W.P.(C) 9890/2016 & CM No. 39353/2016 & 39357/2016, W.P.(C) 9891/2016 & CM No. 39358/2016 & 39362/2016 and W.P.(C) 9892/2016 & CM No. 39363/2016 & 39367/2016,

*

1. Mr. Sunil Sauson, Sr. Manager from Bharat Petroleum Corporation has produced the original record relating to Oberai Service Station.
2. Learned counsel for Bharat Petroleum submits that the original record contains a letter dated 17th November, 2005 sent by Jyoti Oberai along with a certificate from the Punjab & Sindh Bank certifying Jyoti Oberai as proprietor of Oberai Service Station and the Income Tax returns along with the balance sheets and the Sales Tax returns/assessment order for the year 2002-03, 2003-04 and 2004-05. The record also contains the letters dated 06th December, 2005 and 24th December, 2005 sent by Jyoti Oberai as proprietor of Oberai Service Station. Learned counsel for Bharat Petroleum has also shown the letter dated 18th October, 2007 sent by Jyoti Oberai to

Bharat Petroleum.

3. The original record produced by Bharat Petroleum has been shown to counsel for respondent No.2 who submits that respondent No.2 was never the proprietor of Oberai Service Station. It is submitted that respondent No.2 has filed a detailed counter affidavit according to which the respondent No.2 never managed the petrol pump. In view of the stand taken by learned counsel for respondent No.2, this Court considers it necessary to record the statement of respondent No.2 on oath under Section 165 of the Indian Evidence Act. The statement of respondent No.2 has been recorded on oath.

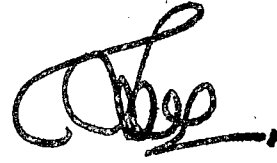
4. At this stage, respondent No.2 present in Court, undertakes to deposit 50% of the award amount along with up to date interest with the Registrar General of this Court within four weeks without prejudice to her rights and contentions and the said amount be released to the workmen.

5. The petitioner present in Court also undertakes to deposit the balance 50% of the award amount along with the up to date interest with the Registrar General of this Court within four weeks without prejudice to her rights and contentions and the said amount be released to the workmen.

6. The undertakings of the petitioner as well as respondent No.2 is hereby accepted. The petitioner as well as respondent No.2 are directed to deposit 50% award amount along with up to date interest with the Registrar General of this Court within a period of four weeks from today. Learned counsel for workmen shall furnish the computation of the interest to counsel for petitioner as well as respondent No.2 within a period of one week. On the aforesaid amount being deposited, the Registrar General shall release the same to the workmen.

7. These petitions are disposed of in terms of the undertakings of the petitioner as well as respondent No.2. The pending applications are disposed of.

8. The cost of Rs.20,000/- deposited by the BPCL with the Registrar General of this Court in terms of the order dated 09th May, 2017 be released to the 13 workmen in equal shares.
9. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.



J.R. MIDHA, J.

AUGUST 17, 2017

ak