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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Judgment: 14th November, 2017

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W.P.(C) 11347/2016 and CM No. 44444/2016

M/S NATIONAL INSTITUTE OF FOOD
TECHNOLOGY ENTREPRENEURSHIP
AND MANAGEMENT (NIFTEM)

..... Petitioner

Through Mr. R. V. Sinha, Advocate

versus

GOVT OF NCT OF DELHI AND ANR.

..... Respondents

Through Mr. Sanjoy Ghose, ASC and
Mr. Rhishabh Jetley, Advocate for
R-1
Mr. Amit Sinha, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

CHANDER SHEKHAR, J. (ORAL)

1. By this Writ Petition, the petitioner seeks quashing of the impugned reference being order dated 06.05.2015 in File No. F-24(183)/Lab/SD/2015/7890 passed by the Deputy Labour Commissioner, The Government of National Capital Territory of Delhi, Labour Department, Office of the Deputy Labour Commissioner (South District), whereby, the learned Deputy Labour Commissioner has referred the dispute to the Labour Court.

2. Learned Counsel for the petitioner submitted that the petitioner has been set up by the Ministry of Food Processing Industries, Government of India as an autonomous institute registered under Societies Registration Act, 1860 on 19th May, 2010. Prior to this, i.e. in the month of August, 2007, its status was that of a company incorporated under the Companies

Act, 1956. At that time, its Registered Office was AMDA Building, 7/6, Siri Fort Institutional Area, August Kranti Marg, New Delhi-110049. The same was shifted to Plot No. 97, Sector-56, HSIIDC Industrial Estate, Kundli, Sonapat-131028, Haryana, on 6th June, 2011 and since then it is functional there only. Accordingly, all the employees including outsourced ones were transferred to the Kundli Office and that there is no office of petitioner at 208, Panchsheel Bhawan, August Kranti Marg, New Delhi-110049 as specified in the impugned reference being order dated 06.05.2015.

3. Learned counsel also submitted that the Labour Court has failed to take into consideration the question regarding territorial jurisdiction, despite specifying the same in their oral and written submissions before the Deputy Labour Commissioner.

4. He further submitted that if an opportunity is granted to move an application for framing of an additional issue, the matter may be disposed of.

5. Learned Additional Standing Counsel for respondent No.1/GNCTD submitted that there is no bar for moving the said application before the Labour Court, subject to pleadings in this respect.

6. Learned ASC also submitted that in case such an application for framing of an additional issue is moved before the Labour Court regarding the territorial jurisdiction, the same may be decided by the Labour Court on merits.

7. In view of the submissions made by the learned counsels for the parties, the present petition is disposed of with the direction to the parties to appear before the Labour Court, with the liberty to the petitioner to move an appropriate application for framing of an additional issue regarding the territorial jurisdiction before the Labour Court and the same be decided as

per law. The interim order stands vacated. The Labour Court may decide the same as per law after giving an opportunity of hearing to the parties.

8. It is informed by the parties that the case is fixed for tomorrow, i.e. 15.11.2017. The parties are directed to appear before the Labour Court on the date already fixed. However, the petitioner is granted four weeks time to move an appropriate application, to which no objection is raised by learned counsels for the respondents.

9. The present petition is disposed of accordingly. Pending application also stands disposed of. Labour court record be returned back.

10. Labour Court shall proceed further in accordance with law.

CHANDER SHEKHAR, J

NOVEMBER 14, 2017/b

