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

+ **W.P.(C) 7605/2017 & CM No.31379/2017**

M/S NNS ONLINE PVT. LTD.

..... Petitioner

Through: **Mr. A.K. Jain & Mr. Santosh Jain,**
Advocates

versus

A.D. JOSE & ANR

..... Respondents

Through: **Respondent No.1 in person**

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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30.10.2017

Arguments heard.

This writ petition challenges the impugned order dated 19.7.2017 passed by the Appellate Authority under Payment of Gratuity Act, 1972, Joint Labour Commissioner (West) [‘Appellate Authority’]. The Appellate Authority disposed of the appeal dated 11.11.2016 and the application for staying the impugned order dated 2.9.2016 filed by the appellant/management against the impugned order dated 4.10.2016 of the Controlling Authority. The Appellate Authority was of the view that the Controlling Authority has committed an error in its order dated 4.10.2016 by not following the principle of natural justice and remanded the matter back to the Controlling Authority to be decided within two months after providing an opportunity to parties and the appellant management.

The appellant management was directed to pay a sum of Rs.10,000/- to respondent No.1. Learned counsel for the petitioner submits that the costs of Rs.1,000/- imposed by the Controlling Authority on 11.2.2016 already stands paid to respondent No.1.

Learned counsel for the petitioner submits that now the matter is fixed on 9.11.2017. He also submits that the only grievance of the petitioner is regarding imposition of costs upon the petitioner, which is without any basis and/or disclosing any reason in the impugned order.

I have gone through the impugned order of the Appellate Authority, which reads thus:

“In view of above, I am of the view that Controlling Authority has committed error in its order dated 04.10.2016 by not following principle of natural justice. As such order of Controlling Authority is set aside and matter is remanded back with Controlling Authority to decide matter within two months after providing opportunities to the parties from the date of this order and appellant management is directed to pay Rs.10,000/- cost to respondent. Both the parties are directed to appear before Controlling Authority on 10.08.2017 at 10:00 am for further proceedings.”

I do not find it proper to keep this writ petition pending before this Court and financially burden respondent No.1, who has to bear the expenses relating and incidental to litigation, if in case this writ is kept pending.

It is apparent that the appellate authority has not given any reason or cause for imposing such a heavy costs upon the petitioner. Learned counsel for the petitioner submitted that the petitioner is ready to pay costs of Rs.1,000/- to the respondent to meet his expenses. I am also satisfied that the costs of Rs.1,000/- shall meet the ends of justice. Hence, the order imposing the costs of Rs. 10,000/- by the Appellate Authority upon the petitioner is modified with the direction that the costs imposed upon the petitioner are Rs.1,000/- only and the costs of Rs.1,000/- shall be paid to respondent No.1 by the appellant management on 9.11.2017 before the Controlling Authority. The writ petition is accordingly disposed of.

CHANDER SHEKHAR, J

OCTOBER 30, 2017

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