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

+ **W.P.(C) 12580/2018**

M/S SCORPIOS APPARELS PVT. LTD. Petitioner
Through: Mr. Sumitra Singhal & Mr. Saurabh
Chand, Advocates

Versus

**THE AUTHORITY UNDER THE MINIMUM WAGES ACT,
1948 & ANR.** Respondents
Through: Mr. Rajesh Manchanda, Advocate
for respondent No.1
Mr. Sanjay Ghosh, Advocate for respondent
No.2

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
% **26.11.2018**

C.M. 48927/2018 (u/S 151 CPC)

Allowed subject to all just exceptions.

W.P.(C) 12580/2018 & C.M. 48926/2018 (for stay)

Impugned order of 1st November, 2018 rejects petitioner's application under Order IX Rule 7 CPC read with Section 151 CPC for setting aside *ex parte* order on the ground that even if Authorized Representative of petitioner was out of Delhi, information ought to have been sent to respondent-Authority.

Mr. Rajesh Manchanda, Advocate for respondent No.1 and Mr. Sanjay Ghose, Advocate for respondent No.2, accept notice.

Upon hearing I find that for the lapse of petitioner, the Authority concerned ought to have put the petitioner to terms. Impugned order refusing to recall *ex parte* proceedings is unduly harsh and is accordingly set aside subject to cost of ₹10,000/- to be paid by petitioner to second respondent within a week. Upon the cost being tendered to second respondent, order of 16th October, 2018 shall stand recalled and thereafter, petitioner be permitted to file reply to Statement of Claims within two weeks, with a copy furnished to side opposite.

A copy of this order be sent to respondent-Authority forthwith, for expeditiously proceeding further.

With aforesaid directions, this petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

NOVEMBER 26, 2018

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