

\$~23

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

% *Date of Decision : 11th May, 2018*

+ **W.P.(C) 9834/2017 & CM APPL. 40026/2017**

M/S G4S SECURE SOLUTIONS INDIA PVT. LTD. ...Petitioner

Through: Mr.Gulshan Chawla and Mr.Satya
Prakash Singh, Advocates.

versus

RAM BABU ARYA

...Respondent

Through: Mr.R.S.Jena, Advocate.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (Oral)

1. By this writ petition under Article 226/227 of the Constitution of India, the petitioner seeks quashing of the order dated 16.02.2017 by which the petitioner was proceeded ex-parte by the Authority under Delhi Shops and Establishments Act, 1954 (in short 'Delhi Shops Act') and the order dated 10.08.2017 dismissing its application for setting aside the ex-parte proceedings against it with costs of Rs.20,000/-.

2. It is submitted by learned counsel for the petitioner that in fact the petitioner was never served with the notice of the application filed by the respondent and when its AR was appearing on 16.02.2017 in another matter, the petitioner became aware of the proceedings and

filed necessary application which was dismissed on 10.08.2017 with costs.

3. He submits that in fact the respondent has filed an application claiming wages for overtime, for which the Authority under the Delhi Shops Act has no jurisdiction to deal with.

4. At this stage, the learned counsel for the respondent Shri R.S.Jena, Advocate submits that he has no objection if the petitioner is permitted to contest the application filed by the respondent. However, he submits that some time limit may be fixed for disposal of the application by the Authority under Delhi Shops Act. He submits that some litigation expenses may also be granted to the respondent.

5. In the facts and circumstances, the orders of the Authority dated 16.02.2017 and 10.08.2017 are hereby set aside. Both the parties are directed to appear before the Authority under Delhi Shops Act on 02.07.2018. The Authority under the Delhi Shops Act is directed to decide the application of the respondent within two months from the next date of hearing after giving due opportunities to both the parties. The petition is disposed of accordingly along with pending application being CM No.40026/2017.

(VINOD GOEL)
JUDGE

MAY 11, 2018

dkb