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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 823/2020, CM APPL. 2574/2020, CM APPL. 2575/2020 &
CM APPL. 2577/2020

M/S CALVIN KLEIN ARVIND FASHION PRIVATE LIMITED

..... Petitioner

Through: Mr.Ashish Dholakia, Sr.Adv. with
Mr.Raunak Singh and Mr.Ankush
Rai, Advocates

versus

SADDAM HUSSAIN

..... Respondent

Through: Mr.Ved Vyas Tripathi, advocate with
respondent in person.

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Date of Decision: 05.09.2022**CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)**

1. Present writ petition has been filed challenging the ex-parte award dated 22.09.2018 passed by learned Presiding Officer, Labour Court-V in ID No.1870/2017 titled '*Mohd.Saddam Hussain vs. M/s Calvin Klein Arvind Fashion Private Limited*'. The petitioner has challenged the *ex-parte* award on the ground that the same is passed contrary to the material on record.
2. During the course of submissions, learned senior counsel appearing for the petitioner has stated that as per the instructions, Rs.5 lakhs deposited by the petitioner-management with this court may be



released to the respondent-workman and the matter may be remanded back to the learned labour court for disposal in accordance with law.

3. Respondent-workman is present in person. Learned counsel for the respondent states that the respondent-workman shall file an indemnity bond before the learned labour court that in case the award is decided against him, he would refund the money (without any interest) to the petitioner-management within three months of date of any such order.
4. In view of the submissions made by both the parties, without going into the merits of the case, the *ex-parte* award dated 22.09.2018 is set aside. The matter is remanded back to the learned labour court for disposal in accordance with law. However, in view of the old pendency of the matter, learned labour court is directed to dispose of the same expeditiously. Since the impugned award has been set aside, the execution proceedings filed pursuant to such order also stand set aside.
5. With these observations, the writ petition along with all the pending applications stands disposed of.
6. Registry is directed to release the sum of Rs.5 lakhs deposited with this court with interest accrued thereon to the respondent-workman as per rules subject to his furnishing the indemnity bond before the labour court.

DINESH KUMAR SHARMA, J

SEPTEMBER 5, 2022

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