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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 87/2022 & CM APP. 19358/2022

**CHIEF ENGINEER IV, DELHI STATE INDUSTRIAL
AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED**

..... Appellants

Through: Ms. Firdouse Qutb Wani, Additional
Standing Counsel, DSIIDC), Md. Zaryab
Jamal Rizvi, Advocate along with Mr
Dinesh C. Sharma (Asst. Engineer,
DSIIDC)

versus

**M/S WELL PROTECT MANPOWER
SERVICES PVT LTD**

..... Respondent

Through: Mr Kinger Vijay, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

19.02.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

**C.M. APP. 1712/2024 [Application filed on behalf of the respondent seeking
disposal of the present appeal]**

1. On the previous date i.e., 10.01.2024, after hearing counsel for the parties and issuing notice in the above-captioned application, the following was recorded:

“1. Issue notice.

2. Ms Firdouse Wani, ASC accepts notice on behalf of the non-applicant/ appellant. She says that she does not wish to file a reply to the
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above-captioned application.

3. *To be noted, the prayer made in the application is that the present appeal be disposed of in view of the fact that the respondent has placed on record the affidavit, in terms of the order dated 07.11.2023.*

4. *Ms. Wani says that she has been furnished with a copy of the affidavit and that she has to take instructions vis-a-vis the averments made therein.*

5. *We may note that the affidavit which the applicant/ respondent has lodged with the registry is lying under objection, and therefore, is not available with the Court.*

6. *Since Ms. Wani has been furnished with the copy of the affidavit, this application is disposed of with a direction that the effect of the affidavit on the outcome of the appeal will be considered once Ms.Wani returns with instructions with regard to its contents.*

7. *List the appeal on the date already fixed, i.e., 19.02.2024.*

8. *Meanwhile, counsel for the applicant/respondent shall take steps to have the affidavit placed on Court record."*

2. Ms Firdouse Wani, ASC, who appears on behalf of the non-applicant/ appellant says that she has received instructions in the matter.

3. Ms Wani says that although money towards ESIC/ EPFO have been deposited by the respondent, there is an apprehension that in case further claims are lodged, which are not covered by the money deposited, the appellant should not have to bear the liability.

3.1 It is Ms Wani's contention that an affidavit in the form of an undertaking, if given by the respondent, in which, it would aver that if any such liability arises, the appellant would stand indemnified, would suffice.

4. Mr Kinger Vijay, counsel who appears on behalf of the respondent, says that such an affidavit would be filed within the next two (02) weeks.

4.1. The statement of Mr Kinger Vijay is taken on record.

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5. The prayer made in the application is allowed and the appeal is disposed of as prayed.

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6. In view of the above order passed in C.M. APP. 1712/2024, nothing further remains to be done in the appeal.

7. The pending applications shall also stand disposed of.

8. The interim order dated 04.05.2022 will cease to operate once the affidavit, as indicated above, is filed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 19, 2024

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Click here to check corrigendum, if any

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