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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 307/2024

MUNICIPAL CORPORATION OF DELHI Appellant

Through: Ms.Sriparna Chatterjee, Adv.

versus

WORKMEN THROUGH DELHI MUNICIPAL KARAMCHARI

EKTA UNION REGD A ND ANOTHER Respondent

Through: Ms.Ritu Jain, Adv for R-1.

Mr.Satyakam, ASC with Mr.Pradyat Kashyap,
Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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16.04.2024

CM APPL. 22083/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 22084/2024 -Delay 2 days.

3. This is an application filed by the appellant seeking condonation of 02 days delay in filing the appeal.
4. The application is, for the reasons stated therein, allowed.
Consequently, the delay of 02 days in filing the appeal is condoned.
5. The application stands disposed of.

LPA 307/2024 & CM APPL. 22082/2024 -Stay.

6. The present appeal under Clause X of the Letters Patent seeks to



assail the order dated 05.03.2024 passed by the learned Single Judge in W.P.(C)15135/2022. Vide the impugned order, the learned Single Judge while dismissing the appellant's application seeking extension of time to deposit the amount as directed vide order dated 02.11.2022 has vacated the interim stay on the award as granted on 02.11.2022.

7. Learned counsel for the appellant submits that the learned Single Judge has failed to appreciate that non-deposit of the amount in time was due to genuine financial difficulties being faced by the appellant. The appellant is, however, now ready and willing to deposit the said amount, for which purpose a banker's cheque for a sum of Rs.59,74,649/- in favour of the Registrar General of this Court has been brought to Court.
8. Issue notice. Learned counsel for the respondent nos.1 and 2 accept notice.
9. Learned counsel for the respondent no.1 fairly submits that as long as the appellant is willing to deposit the said amount, she has no objection to the impugned order being set aside, but prays that the appellant be put to terms for this delay in depositing the amount.
10. Having considered the submissions of learned counsel for the parties, we are of the view that now that the appellant is willing to deposit the amount in terms of order dated 02.11.2022 passed by the learned Single Judge, it would be in the interest of justice to restore the interim order. This would, however, be subject to the appellant depositing the aforesaid amount of Rs.59,74,649/- within one week and paying costs of Rs.20,000/- to the respondent no.1.
11. The appeal is, accordingly, allowed by setting aside the impugned



order insofar as it vacates the interim order passed on 02.11.2022. It is further directed that subject to the appellant depositing with the Registrar General of this Court the sum of Rs. 59,74,649/- within a period of one week and paying costs of Rs.20,000/- to the respondent no.1, the interim order granted by the learned Single Judge on 02.11.2022 will stand restored.

12. Needless to state this Court has not expressed any opinion on the merits of the rival submissions of the parties and, therefore, we hope that the learned Single Judge will proceed with the matter on merits as expeditiously as possible.

REKHA PALLI, J

DR.SUDHIR KUMAR JAIN, J

APRIL 16, 2024

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