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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12477/2024 & CM Appl.51905/2024**
MALIK INTERNATIONAL PHARMACEUTICALS THROUGH
ITS SOLE PROPRIETOR ASHOK MALIKPetitioner
Through: Mr. Akshya, Mr. Ashish Sheoran and
Mr. Daman Yadav, Advs.
versus
ANAMIKA MALIKRespondent
Through:
CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
06.09.2024

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CM Appl.51906/2024*[Seeking exemption from filing certified copies]*

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

W.P.(C) 12477/2024 & CM Appl.51905/2024*[Stay]*

3. The present Petition has been filed on behalf of the Petitioner impugning the award dated 13.04.2021 [hereinafter referred to as “the Impugned Award”] passed by the learned Authority under the Delhi Shops and Establishment Act, 1954, Labour Department, Government of NCT of Delhi. By the Impugned Award, the learned Authority has passed directions to pay wages in the sum of Rs.6,36,370/- to the Respondent/Claimant within 30 days.
4. Learned Counsel for the Petitioner, in the first instance, submits that the Respondent was not employed with the Petitioner but was in fact the wife of the Petitioner and that there are disputes between the parties which have resulted in multiple matrimonial proceedings. He further submits that in any event, as per the statement of claim of the Respondent, she is stated to



be working in a managerial capacity at a monthly salary of Rs.45,455/- per month and thus, does not fall within the purview of a 'workman' under Section 2(s) of the Industrial Disputes Act, 1947.

4.1 Learned Counsel for the Petitioner further submits that the Impugned Award was passed *ex-parte* during the time of the Covid-19 Pandemic and thus the Petitioner was unable to pursue his defence before the learned Authority.

4.2 Learned Counsel for the Petitioner further submits that he has also filed a Review Application on 27.03.2024 of the Impugned Award setting out these contentions, however, the Review Application has not yet been taken up for hearing by the learned Authority.

4.3 Learned Counsel for the Petitioner further submits that the enforcement proceedings *qua* the Impugned Award have been initiated by the Respondent and the warrants of arrest for non-compliance thereto have been executed by the learned MM-04, Patiala House Courts, New Delhi. He seeks to rely upon the order dated 24.06.2024. A copy of the said order has been handed over to the Court today.

5. Given the fact that the Review Application of the Impugned Award is pending adjudication, this Court deems it appropriate to request the concerned Authority to take up the Review Application filed by the Petitioner expeditiously.

6. In view of the aforesaid, learned Counsel for the Petitioner seeks and is granted permission of the Court to withdraw the present Petition with liberty to pursue the Review Application in accordance with law.

7. The Petition and pending Application stands dismissed as withdrawn.

8. Registry is directed to scan and upload the order dated 24.06.2024 so



that it remains embedded in the case file.

9. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 6, 2024/r

Click here to check corrigendum, if any