



2024:DHC:9665



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

Date of Decision: 05.12.2024

+ **W.P.(C) 7762/2016 & CM APPL. 32042/2016**

VISHNU DUTT SHARMA ALIAS VISHNU
PANDIT

.....Petitioner

Through: Mr. Prakhyat Sharma, Advocate
(D1396/2018) with Petitioner through
VC.

versus

CHILD WELFARE COMMITTEE & ANR.

.....Respondents

Through: Mr. Sameer Vashisht, ASC(Civil),
GNCTD.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The Petitioner is present through video conferencing.
2. Once again, a request for adjournment is sought on behalf of the Petitioner.
3. Learned Additional Standing Counsel for the Respondents objects to the same and submits that the same request has been made on multiple occasions including on 18.12.2023, 16.02.2024, 10.07.2024 and 24.09.2024.
3.1 Learned Additional Standing Counsel for the Respondents further submits that the Petitioner obtained an interim protection from this Court on 01.09.2016 and that the interim protection should not continue given the conduct of the Petitioner. It is further submitted that the order dated 11.09.2015 [hereinafter referred to as "Impugned Order"] was issued by the Respondent No.1 in view of the fact that the Petitioner had employed five

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2024:DHC:9665



minors, who had to be rescued from the premises of the Petitioner.

3.2 In addition, it is contended that by the present Petition, the Petitioner seeks to raise issues, which would fall in realm of disputed question of facts.

4. Learned Counsel for the Petitioner submits that pursuant to the FIR being registered against the Petitioner, chargesheets have also been filed.

5. Relying on paragraphs 1, 2 and 4 of the Short Affidavit filed by the Respondents on 23.02.2017, learned Additional Standing Counsel for the Respondents submits that the Petition involves the rescue of 13 children from the premises which belong to the Petitioner based on a tip off and assistance of Bachpan Bachao Andolan Organization. The rescued children were medically examined, and after interacting with them, the children had given statements that they were residing in a water plant owned by the Petitioner and have been employed by him and were performing the work either of selling water through water trolleys or of supplying water through water jugs and were being paid very low wages.

6. Learned Additional Standing Counsel for the Respondents further submits that based on the guidelines as were set down in a judgment passed by a Division Bench of this Court dated 24.12.2010 in *W.P. (CRL.) 82 of 2009* captioned as *Bachpan Bachao & Ors. vs. Union of India & Ors.*, the compensation/payment due to these five children has been calculated and is annexed as Annexure A to the present Petition, and it is this compensation that has been challenged by the Petitioner before this Court.

7. A Coordinate Bench of this Court, on 15.02.2019 had directed as follows:

*“6. The petitioner has filed the present petition impugning an order dated 11.09.2015 (subsequently corrected) passed by the Child Welfare Committee (CWC). **The order indicates that 13 children were rescued***



2024:DHC:9665



from the employment of the petitioner. Their statements were recorded and they were subsequently restored to their parents/guardians. In terms of the impugned order, the petitioner has been called upon to pay compensation for the work done by the minors. It is the petitioner's case that he had no notice of the proceedings before the CWC and he was also not present before it.

7. The said contention is disputed by the learned counsel appearing for the respondents...

xx...xx...xx

10. Let an affidavit be filed by any member of the CWC with regard to the presence of the petitioner in the proceedings before it. The learned counsel shall also examine the records and assist this Court with regard to the contentions advanced by the petitioner.”

[Emphasis Supplied]

8. Subsequently, an Affidavit dated 25.11.2019 of the Ex-Chairperson of Respondent No.1/CWC [hereinafter referred to as ‘Affidavit’] was filed. It is contended therein that an order was passed by Respondent No.1/CWC pursuant to information received from the Office of SDM, Labour Department and an NGO, two members of the Respondent No.1/CWC interacted with the rescued children to gather information. Thereafter, by a rescue order dated 09.09.2015, the Investigating Officers of the police stations were asked to take appropriate action as per law against the employers. The order further directed the Petitioner to be present for a hearing on 11.09.2015 and was served on the Petitioner.

8.1 The Affidavit filed by the Ex-Chairperson of Respondent No.1 (District East, North East and Shahdara) further sets out that the contention of the Petitioner that he was not given an opportunity to present his case and was proceeded *ex-parte* is incorrect. The Petitioner was sent a notice for hearing on 11.09.2015 which was served on the Petitioner through the office of SDM (Vivek Vihar) by the SHO, PS Anand Vihar. Despite the service on

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2024:DHC:9665



the Petitioner, he chose not to attend the hearing on 11.09.2015. It is, however, averred that after the Impugned Order had been passed, a group of about 8 to 10 lawyers entered the office of the CWC and threatened and intimidated the Ex-Chairperson and other members of the CWC who were present in the office.

9. This Court agrees with the contention of the Respondents that disputed questions of fact have been raised in the present Petition.

10. However, it is undisputed that the Petitioner has taken appropriate remedies to challenge the FIR registered against him.

11. No grounds to quash and set aside the Impugned Order dated 11.09.2015 or notice dated 22.08.2016 have been shown to the Court.

12. After some arguments, learned Counsel for the Petitioner submits that that he has received instructions from the Petitioner on text, to withdraw the present Petition.

13. The present Petition is accordingly dismissed as withdrawn. All pending Applications stand closed.

TARA VITASTA GANJU, J

DECEMBER 5, 2024/ha/r/jn

Click here to check corrigendum, if any