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

+ **W.P.(C) 10229/2016 & CM APPL. 40374/2016**

RAM KARAN

..... Petitioner

Through: **Mr. Manipal Singh, Advocate**

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: **Mr. Abhinav Singh, Mr. Bhavi Garg,
Ms. Kriti Kapoor, Advocates for R-1
Mr. Naveen Mann, Inspecting
Officer, Distt. West, Labour Deptt,
GNCTD**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

20.02.2024

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1. The present petition is filed under Article 226 and 227 of the Constitution to impugn the order dated 21.04.2014 and 05.12.2014 passed by the Authority under Delhi Shops & Establishment Act, 1954.
2. The petitioner claimed to be the sole proprietor of S. R. Packers and in the month of April, 2015 came to know about the recovery of some decretal amount by the order of Chief Metropolitan Magistrate, Tis Hazari Courts, Delhi. The petitioner claimed that no notice in the proceedings has ever been served upon the petitioner. Accordingly, the impugned order as mentioned hereinabove cannot sustain the scrutiny of law.
3. The perusal of the order dated 05.12.2014 reflects that the private respondent in the present petition filed application on 27.02.2014 under sub



section (2) of Section 21 of Delhi Shops & Establishment Act, 1954. The notices were issued to the petitioner and the petitioner was proceeded ex-parte vide order 21.04.2014 passed by the authority as none has appeared on behalf of the petitioner despite service. Thereafter, the authority under Delhi Shops & Establishment Act, 1954, vide impugned order dated 05.12.2014 decided the claim application of the private respondents.

4. The counsel for the petitioner argued that no notice of the proceedings has ever been issued or served upon the petitioners and as such the impugned order is liable to be set aside. The counsel for the respondent no.1 has controverted the said argument.

5. The perusal of order dated 21.04.2014 reflects that the petitioner was proceeded ex-parte due to non-appearance despite service. The authority in the order dated 05.12.2014 in para no.2 has given the details to the notices issued to the petitioner. The para no.2 of the order dated 05.12.2014 is reproduced as under:-

2. Notice was sent to the respondent through L.I. on 20.1.14 with the direction to appear before this Authority on 27.2.14. On this date none appeared on behalf of the respondent L.I. on refusal of receipt of summon, pasted the same on main gate of establishment as per his report dtd. 20.2.14. Another notice was sent to the respondent on 27.2.14 for 14.4.14 but being holiday declared on this day, the case adjourned for 21.4.14 for which notice was sent. The respondent did not appear again on 21.4.14. Under these circumstances no option was left with this Authority but to proceed Ex-parte against the respondent and hence respondent as proceeded ex-parte on dated 21.4.14.

6. It is reflecting from the order dated 05.12.2014 that notices were issued to the petitioner multiple times but the petitioner despite the service of notice in accordance with law has failed to appear and accordingly was



proceeded ex-parte. There is nothing bad in the order dated 05.12.2014 which called interference from this court, hence present petition along with pending application is dismissed.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 20, 2024

J /AK