



2025:DHC:6927



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

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Date of Decision: 23.07.2025

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W.P.(C) 3342/2019**KASA TECHNOLOGIES LTD**

.....Petitioner

Through: Ms. Nandita Abrol, Ms. Akansha
Sharma, Advs.

versus

SECRETARY LABOUR & ANR

.....Respondents

Through: None.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Article 226 of the Constitution of India impugning the order dated 22.06.2018 passed by the Authority under Minimum Wages Act, 1948 [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Claim Petition filed on 18.02.2016 by Respondent No. 2/Claimant under Section 20(2) of the Minimum Wages Act, 1948 [hereinafter referred to as "Act"] has been allowed and the Petitioner has been directed to make payment in the sum of Rs. 26,568/- by the Authority.

2. The record shows that Respondent No. 2 was proceeded with ex-parte by the order of the predecessor Court dated 13.03.2020.

3. Learned Counsel for the Petitioner submits that the Impugned Order, although discusses the payment to the Respondent No.2/Claimant, Sh. Devender Singh S/o late Sh. Kailash Singh but it sets out that the payment to one Sh. Nitish Dubey S/o Sh. Shiv Bahadur Dubey. She further submits that the award was passed ex-parte without giving an opportunity to the Petitioner



of being heard.

4. A perusal of the Impugned Order shows that the Impugned Order directs the Petitioner to make payment to one Sh. Nitish Dubey who admittedly is not the person who has filed the Claim Petition. In addition, the Impugned Order proceeds solely on the basis of unchallenged and un rebutted statement of the Respondent No. 2/Claimant and in the absence of any defence filed by the Petitioner.

5. It is however the case of the Petitioner that the Authorised Representative of the Petitioner appeared before the Authority on 16.03.2016 and after discussions with the Authority, handed over a cheque bearing no. 000270 dated 08.03.2016 of Rs. 3,648/- (Rupees three thousand six hundred and forty-eight) to the Respondent no. 2 before the Authority. It is further contended that the cheque was subsequently encashed by the Respondent No. 2/Claimant as well.

5.1 It is further the contention of the Petitioner that the documents handed over to the authorised representative were not placed on record which led to the Petitioner being proceeded with ex-parte and the Impugned Order being passed. The Petitioner has filed copies of the documents supplied to the learned Authority before this Court.

6. The record reflects that the Impugned Order however neither references these hearings nor the documents that were filed nor the payment made. It is apposite to set out paragraph 5 of the Impugned Award in this context below:

“5. After examining the pleadings of the parties and documents available on record, there is nothing on record to disbelieve the unchallenged and un-rebutted statement/evidence of the Claimant. Further, since the Respondent opted not to defend the matter, this Authority has no option but



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to believe the submission of the claimant. I am, therefore of the considered view that the claimant has not been paid the minimum wages for 03 months by the Respondent/Management as mentioned above mentioned period Since respondent management has knowingly was not paying minimum wages to the claimant as mentioned above, accordingly respondent directed to pay Five times penalty on awarded amount to claimant as per given details below:

S. No.	Name of the Claimant & Father Name	Fixed minimum wages for the period in question	Claimant were getting monthly wages from 01/08/2015 to 31/01/2016	Less payment 01/8/2015 to 31/01/2016	Penalty (two times) on awarded amount	Total payable amount
1	2	3	4	5	6	7
1.	<u>Sh. Nitish Dubey</u> <u>s/o Sh. Shiv Bahadur Dubey</u>	01/08/2015 to 31/10/2015 (Rs. 10,998/-) and 01/11/2015 to 31/01/2016 (Rs. 11,154/-)	Rs.66,456/-	Rs.8,856/-	Rs.17,712/-	Rs.26,568/-

[Emphasis Supplied]

7. The Impugned Order contains a fundamental factual error, directing payment to an individual who was not the Claimant. It was also passed ex-parte without affording the Petitioner an opportunity to be heard and no reference is made therein to the hearings before the Authority either.

8. In view of this error, the Impugned Order is set aside.

9. The Petition is accordingly allowed in the foregoing terms.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 23, 2025/r