



\$~45

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

+ **W.P.(C) 6478/2023**

MIS COFE IMPEX PRIVATE LIMITED & ORS.Petitioners

Through: Mr. Prashant Mehta, Mr. Varun Gupta,
Ms. Simran Wason and Mr. Akhil G.
Kurup, Advocates.

versus

SH. KISHAN PAL H/O SMT. ASHA (DECEASED) & ORS.

.....Respondents

Through: Ms. Vaishali Gupta, Panel Counsel
with Mr. Siddharth Arora, Advocates
for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.04.2026

%

1. This hearing has been done through hybrid mode.

CM APPL. 9812/2026(corrections/modifications of orders)

2. The present application under Section 151 of the CPC seeks the following prayers:

“a. Modify and clarify the order dated 23.09.2025 to the extent that it specifically directs the refund of 25% of the deposited amount, being Rs. 3,89,963/- (Rupees Three Lakh Eighty-Nine Thousand Nine Hundred Sixty-Three only) with interest thereof, which was deposited by the Applicant/Petitioner before the Registrar of the Hon'ble High Court of Delhi;

b. Direct the Registrar of the Hon'ble High Court of Delhi to release and refund the said amount to the Applicant/Petitioner with effect from the date of the order dated 23.09.2025, or with such further period as this Hon'ble Court may deem fit;

c. Award interest, if any, on the deposited amount from the date of deposit until the date of actual refund, as permissible under law and as this Hon'ble Court may deem appropriate;



d. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice and equity in the matter. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

3. Learned Predecessor Bench of this Court, *vide* order dated 31.05.2023, had stayed the operation of the impugned order dated 04.08.2022 passed by the learned Commissioner, Under Employees Compensation Act, 1923, subject to the petitioners/applicants depositing 50% of the awarded amount, with the Registry of this Court. The said order is reproduced as under: -

“1. The present petitions seek to assail the order dated 04.08.2022 passed by the Commissioner under the Employees Compensation Act. *Vide* the impugned order, the petitioner has been directed to pay employment death compensation to the legal heirs of the deceased employees.

2. The matters were being adjourned to enable learned counsel for the petitioner to obtain instructions as to why the petitions should be entertained when an alternative remedy by way of under Section 30 of the Employees Compensation Act was available to the petitioner.

3. Today, learned counsel for the petitioner submits that since the petitions do not raise any specific question of law, an appeal may not be maintainable and even otherwise since, the petitioner is primarily raising the ground of violation of principles of natural justice, the same may not be a ground, in case, the petitioner were to file an appeal. Finally, he submits that this Court is already considering a challenge to a similar order in W.P.(C)6358/2023, wherein while issuing notice, this Court has stayed the operation of the impugned order, subject to the petitioner depositing 50% of the awarded amount with the Registrar General of this Court. He, therefore, prays that this Court may examine the legality of the impugned order in the present petitions itself.

4. Issue notice. Learned counsel for the respondent nos.2 & 3 accepts notice.



5. Upon the petitioner taking steps, issue notice to the respondent no.1 through all permissible modes.

6. Counter affidavit, if any, be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

7. Till the next date, subject to the petitioner depositing with the Registrar General of this Court, within four weeks, 50% of the awarded amount in terms of the impugned order in each of the petitions, the operation of the impugned order will remain stayed.

8. List along with W.P.(C)6358/2023 on 23.08.2023.”

4. Thereafter, on 31.07.2023, the learned Predecessor Bench of this Court, on an application, **CM APPL. 38607/2023**, filed on behalf of the petitioners/applicants, seeking reduction of awarded amount to be deposited by the latter, had directed as under: -

“1.0 Vide these applications, the petitioner has sought reduction (25% of the total amount instead of 50%) of the awarded amount directed to be deposited vide order of this court dated 31.05.2023. The petitioner is also praying for extension of time for deposit of the amount.

2.0 Ld. counsel for the applicant/petitioner submits that for the reasons stated in the application, despite best efforts, the petitioner could not garner the funds.

3.0 Ld. counsel for the applicant/petitioner submits that 50% of the amount would come to around Rs.99 lacs.

4.0 Subject to deposit of minimum Rs.50 lacs within two days from today, notice of this application be issued to the respondents.

6.0 List on 23.08.2023, i.e., the date already fixed.”

5. In compliance thereof, on 02.08.2023, petitioners/applicants had



deposited a sum of INR 3,89,963/-, *i.e.*, 25% of the awarded amount, *vide* DD No. 719269 dated 31.07.2023, with the Registry of this Court.

6. Subsequently, this Court, *vide* order dated 23.09.2025, with the consent of the parties, had disposed of the present petition by setting aside the impugned order dated 04.08.2022 and remanding back the matter to the learned Commissioner, Under Employees Compensation Act, 1923, for fresh determination. The relevant portion of the said order is reproduced as under:

-

“5. Be that as it may, with the consent of the parties, the impugned order dated 04.08.2022 passed by learned Commissioner, under Employees Compensation Act, 1923, Labour Department, GNCTD, West District, Delhi is set aside and the matter is remanded back before the learned Commissioner, under Employees Compensation Act, 1923, Labour Department, GNCTD, West District, Delhi for fresh determination of the claims filed on behalf of respondent no.1 after giving due opportunity to the petitioners in accordance with law.

6. The parties are directed to appear before the learned Commissioner, under Employees Compensation Act, 1923, Labour Department, GNCTD, West District, Delhi on 27.10.2025 at 11:00 AM.

7. With the aforesaid directions, the present petition is disposed of.

8. Pending application(s), if any, also stand disposed of.

9. Copy of the order be sent to the concerned learned Commissioner, under Employees Compensation Act, 1923, Labour Department, GNCTD, West District, Delhi for necessary information and compliance.”

7. The present application has been filed seeking clarification/modification of the aforesaid order dated 23.09.2025, to the extent that it may specifically direct the refund/release of the amount



deposited by the petitioners/applicants, being INR 3,89,963/-, *i.e.*, 25% of the awarded amount.

8. It is pertinent to note that the petitioners/applicants had filed a total of 14 (*fourteen*) writ petitions, *inter alia*, challenging multiple orders passed by the SDM arising out of labour dispute. Out of the said writ petitions, 10 (*ten*) writ petitions were allowed by this Court and with the consent of the parties, the impugned orders therein were set aside and the matters were remanded back to the learned Commissioner, as noted hereinbefore. In the remaining 4 (*four*) writ petitions, being **W.P.(C) Nos. 6472/2023, 6475/2023, 6476/2023 and 6480/2023**, the dispute was amicably settled between the parties, and this Court, while disposing of the said writ petitions in view of the said settlement, had categorically directed the Registry of this Court to release 25% of the decretal amount deposited by the petitioners/applicants, along with the interest accrued, within a period of 10 days.

9. None appears on behalf of respondent no.1/non-applicant, despite service.

10. In view of the above, and in the interest of justice, considering that in similarly placed matters, this Court had directed for release of the decretal amount with accrued interest, the petitioners/applicants are entitled to a similar relief.

11. Accordingly, the order dated 23.09.2025 passed by this Court is modified to the extent that 25% of the decretal amount in the present petition, *i.e.*, INR 3,89,963/-, deposited by the present petitioner/applicants with Registry of this Court, be released to the petitioners/applicants, along with interest, within a period of 2 *weeks*.

12. The present application is disposed of with the aforesaid directions.



13. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 8, 2026/bsr/db