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

+ **W.P.(C) 5672/2025**

AGARWAL AND COMPANY

.....Petitioner

Through: Mr.Purushotam Shankar, Mr.Rakesh
Mohan, Mr.Ankur and Mr.Prakhar Singh,
Advocates

versus

MAHESH KUMAR & ORS.

.....Respondents

Through: Mr.Utsav Jain, Advocate for respondent
No.1

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **01.05.2025**

CM APPL. 25928/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

**W.P.(C) 5672/2025, CM APPL. 25929/2025 (Interim Stay) and CM
APPL. 25930/2025 (Addl. Doc.)**

1. By way of present petition, the petitioner seeks to assail the order dated 14.07.2023 as modified by the order dated 15.09.2023 issued by the concerned Authority under Minimum Wages Act 1948 and Regional Labour Commissioner (Central), 1st Floor, Shramev Jay Ate Bhawan, G-4, Sector-10, Dwarka, New Delhi-110075.
2. The challenge arises in the context of claim application filed under Section 20(2) of the Minimum Wages Act, 1948, on behalf of respondent



No.1/*Mr. Mahesh Kumar*. In the said application, it was stated that the claimant was employed by the contractor/present petitioner in the skilled category of job. It was contended that the claimant was not paid the minimum rates of wages as fixed by the Central Government for the period from November, 2017 to June, 2019. On the strength of such contentions, the claim for Rs.1,22,751/- was made with respect to each employee/claimant.

3. Learned counsel for the petitioner contends that the petitioner has paid minimum wages as per the Delhi Minimum Wages Act as prescribed by the GNCTD and that it was not required to pay the minimum wages as prescribed by the Central Government. He further contents that the claim application was barred by limitation inasmuch as it was not filed within a period of six months from the date when the minimum wages became payable. He lastly submits that even if the petitioner had defaulted, the liability arises for the principal employer, i.e., respondent No.3 to pay the unpaid wages.

4. Learned counsel for the respondent No.1, who appears on advance notice, opposes the present petition. Insofar as issue of limitation is concerned, he submits that the claim application was duly accompanied by an application seeking condonation of delay which was considered and allowed.

5. Having heard learned counsels for the parties and gone through the material on record, a perusal of the same would indicate that while opposing the claim application, a written statement/reply was filed on behalf of the petitioner. Though learned counsel for the petitioner has contended that the claimant was entitled to the minimum wages as prescribed by the Delhi



Government, however, a perusal of the aforesaid reply and in particular, paragraph 2 of the reply on merits, would reflect that the petitioner had rather denied that it was not paying the salary as per the rules prescribed by the Central Government. The petitioner cannot have a volte-face in the present petition.

6. As far as the issue of limitation is concerned, the second Proviso to Rule 20 of the Minimum Wages Act, 1948, provides that in case the application is filed beyond the stipulated period of 6 months, the authority concerned has the power to condone the delay, provided the explanation is found to be satisfactory. A perusal of the impugned order would show that the application for condonation of delay was considered and the explanation furnished by the claimant was found to be satisfactory by the Authority.

7. In view of the above, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending applications.

8. Needless to state that the petitioner may seek recourse to remedy if any, against the principal employer in accordance with law.

MANOJ KUMAR OHRI, J

MAY 1, 2025

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