



2025:DHC:7532



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 12.08.2025*+ **W.P.(C) 13662/2021 & CM APPL. 43149/2021**

M/S S.P. ELECTRONICS AND BATTERY PRODUCTS

THROUGH ITS PROPRIETOR/PARTNER

.....Petitioner

Through: Mr. R.K. Kapoor, Mr. Rajak Kapoor
and Ms. Sujata Sarkar, Advocates.

versus

MUKESH KUMAR

.....Respondent

Through: None.

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

1. None appears for the Respondent despite service.
2. Learned Counsel for the Petitioner submits that the matter is pending for a while now and that the Respondent is not appearing. Accordingly and given the pendency of the matter, this Court deems it expedient to hear the matter today.
3. The grievance of the Petitioner as articulated in the present Petition is that an award dated 11.09.2019 was passed by the learned Labour Court, Rouse Avenue Court, Delhi [hereinafter referred to as the "Impugned Award"] in LIR No. 570/2017 captioned ***Mukesh v. M/s S.P. Electronics & Battery Products*** without the due process of law.
4. Learned Counsel for the Petitioner submits that the case has a chequered history. It is submitted that initially when the proceedings were filed, the Petitioner/Management was proceeded ex-parte on 24.10.2017,



when the matter was pending before the Labour Court, Karkardooma Courts, Delhi. Subsequently, the file was transferred to the Labour Courts at Dwarka, where the Petitioner/Managements Application for setting aside the ex-parte order was allowed subject to payment of costs in the sum of Rs.1,000/- on 02.02.2019. It is the contention of the Petitioner/Management that thereafter, the matter was transferred to the Presiding Officer Labour Court, Rouse Avenue Courts, Delhi, however, no intimation of this transfer was given to the Petitioner/Management. The Petitioner/Management has averred that it is only when recovery proceedings were initiated and a recovery certificate was issued on 26.07.2021, the Petitioner/Management realised that an ex-parte award had been passed against him.

5. This Court had examined this matter briefly and had, by its order dated 02.12.2021, directed that a report be filed by the District Judge, Rouse Avenue Courts, as to whether the Petitioner/Management was served or some intimation was given or not. It was further directed that whether or not the intimation of the award was given to the Petitioner/Management would also form part of the report.

6. In pursuance of the orders of this Court, a report dated 08.03.2022 has been placed on record by the Presiding Officer, Labour Court – III, Rouse Avenue Courts, New Delhi [hereinafter referred to as the “Report”]. The Report sets out that after the matter was filed before the Rouse Avenue Court Complex, none had appeared for the Petitioner/Management, when the matter was transferred to the Rouse Avenue Court Complex. It further states that no intimation was sent to the Petitioner/Management upon the transfer. The Report in addition sets out that after the ex-parte award was



passed, no separate intimation of the passing of the award was sent to the Petitioner/Management by the Learned Labour Court either. The relevant extract of the Report dated 08.03.2022 is set out below:

*“It is again respectfully submitted that for the first time in the said matter, Sh. Sanmit, son of the Proprietor of the management appeared before the Court of Ld. POLC-XVI on 07.07.2017. **Thereafter, the order-sheet dated 24.10.2017 reveals that the management was proceeded ex-parte by the Ld. POLC-XVI when the management failed to file the Written Statement despite grant of repeated opportunities.***

*Thereafter, the file was transferred to Dwarka Courts, Delhi, as is apparent from the order-sheet dated 24.01.2018. The management filed an application for setting-aside the ex-parte orders dated 24.10.2017. The order-sheet dated 14.12.2018 reveals that the court notice was issued to the management for 24.01.2019 as the management stopped appearing before the court. Thereafter, on the next date, Ms. Sarabjeet Kaur, Ld. AR on behalf of the management appeared before the court on 24.01.2019. **The order-sheet dated 02.02.2019 reveals that the application for setting-aside the ex-parte orders dated 24.10.2017 was allowed subject to the costs of Rs.1,000/-.***

*The first order-sheet before the Rouse Avenue Courts Complex is **dated 25.05.2019 which reveals that none appeared** on behalf of the management and issues were framed by Sh. Atul Kumar Garg, the then Ld. POLC-XVI the Ld. Predecessor of this court. The matter was fixed for workman's evidence. **However, the file of the case reveals that once the matter was transferred to Rouse Avenue Courts Complex, no intimation was sent to the management. Thereafter, ex-parte workman's evidence was closed by the Ld. POLC-XVI on 05.08.2019. The ex-parte award was passed on 11.09.2019 by Sh. Atul Kumar Garg, the then Ld. POLC-XVI, Rouse Avenue Courts Complex, New Delhi.***

*It is again respectfully submitted that file of the case also reveals that **after passing of the award dated 11.09.2019, the copy of the award was sent to the appropriate Government for publication as per rules but no separate intimation of the passing of the award was sent to the management by the Ld. Predecessor of this court.***

[Emphasis Supplied]

7. Learned Counsel for the Petitioner/Management submits that in view of the Report given by the learned District Judge, it is clear that the



principles of the natural justice were not followed during the proceedings before the learned Labour Court.

8. This Court agrees. The Report clearly sets out that the matter was transferred by Rouse Avenue Courts Complex. No Notice or intimation was thereof sent to the Petitioner and neither was any intimation of passing of the *ex-parte* award given to the Petitioner.

9. Learned Counsel for the Petitioner/Management also informs the Court that pleadings before the learned Labour Court were completed previously, however, no evidence was led by the Petitioner/Management.

10. Accordingly, in view of the Report submitted, the Court deems it apposite to remand the matter to the learned Labour Court for adjudication afresh.

10.1 For this purpose, list before the learned Labour Court on 15.09.2025.

11. Pleadings shall be completed by the parties, if not already completed, within four weeks from today. The parties shall also be at liberty to lead their respective evidence/ documents given the pendency of the matter for the last 8 years. The learned Labour Court is requested to ensure compliance of the same.

11.1 The parties shall not take any unnecessary adjournments before the learned Labour Court.

12. The Petition is disposed of in view of the foregoing.

13. The amount that has been deposited by the Petitioner/Management before this Court shall remain deposited inclusive of up-to-date interest subject to the outcome of the proceedings before the Labour Court. In the



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event that the Petitioner/Management is able to succeed before the Labour Court, Petitioner/Management will be at liberty to take the appropriate steps for withdrawal of the amount so deposited inclusive of up-to-date interest.

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

TARA VITASTA GANJU, J

AUGUST 12, 2025/sr/ ha