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

+ LPA 287/2026, CM APPLs. 25689-94/2026

MUNICIPAL CORPORATION OF DELHIAppellant
Through: Mr.Arvind Nayar, Sr.Adv. with
Dr.Divya Swamy, S.C.,
Mr.Yagyawalkya Singh, Ms.Akriti
Singh, Ms.Pragya Patel, Mr.Akshay
Joshi, Ms.Sanjukta Kaushik,
Mr.Rishav Ranjan, Advs.

versus

DAMAYANTI & ORS.Respondents
Through: Mr.Sandeep Sethi, Sr.Adv. with
Mr.Rajiv Agarwal, Adv for workmen.
Ms.Avnish Ahlawat, S.C. with
Mr.Nitesh Kumar Singh, Ms.Aliza
Alam, Mr.Mohnish Sehrawat, Advs
for GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA
ORDER
28.04.2026

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1. Heard the learned senior counsel for the parties.
2. This *intra-court* appeal seeks exception to an order dated 04.02.2026 passed by the learned Single Judge, whereby the learned Single Judge has directed that dues payable to the respondents in terms of the award, which is under challenge before the learned Single Judge in the proceedings of the writ petition shall be deposited in this Court within a period of eight weeks from today.



3. Prior to passing of the said order dated 04.02.2026, an order in the writ petition was passed on 23.04.2024, whereby it was recorded that a *prima facie* case was made out on behalf of the appellant for granting interim relief and further that the matter required consideration. The learned Single Judge, accordingly, proceeded to provide in its order dated 23.04.2024 that operation of the award under challenge therein shall be kept in abeyance till the next date of listing.

4. Learned senior counsel appearing for the appellant has primarily submitted that once the order by the learned Single Judge was passed on 23.04.2024 staying the operation of the award passed by the Industrial Tribunal without any condition, there was no occasion for the learned Single Judge to have put a condition subsequently that the award shall remain stayed subject to deposit to be made by the appellant of the entire amount under the award. It has also been submitted that the appellant is a statutory Municipal Corporation and is an authority of the State and, therefore, there is no reason to require the appellant to make the deposit of the amount under the award before this Court.

5. An affidavit has also been filed on behalf of the appellant today, which is taken on record. The said affidavit has been sworn in by the Commissioner, Municipal Corporation of Delhi–appellant, wherein it has been stated that the appellant shall not take any adjournment/accommodation in the proceedings of the *W.P.(C)* 5582/2024 and further that they shall provide all assistance required for speedy disposal of the writ petition on 14.05.2026 when the matter is next listed. The affidavit further states that the written submissions before the learned Single Judge will be filed within three days before the next date of hearing.



6. The affidavit filed by the Commissioner, MCD also states that in the event the writ petition is decided against the appellant, the MCD shall pay the amount under the award payable to the respondents within the period of twelve weeks from the date of disposal of the writ petition. It also states that this, however, will be without prejudice to the rights of the appellant–Corporation to assail such order in accordance with law in a timely manner, in case, the writ petition fails.

7. Paragraphs 4 and 5 of the affidavit filed today are extracted herein below:-

*“4. That the deponent undertakes that, no adjournment / accommodation shall be sought by the Petitioner in the W.P.(C) 5582/2024 titled as **Municipal Corporation of Delhi & Anr. v. Damayanti & 22 Ors** and the Petitioner would provide all assistance required for the speedy disposal of the WP on 14.05.2026. Written submissions shall also be filed 3 days before the next date of hearing.*

5. Furthermore, in the eventuality that the WP is decided against the Appellant Corporation, without prejudice to the rights of the Corporation to assail such order in accordance with the law, in a timely manner, the Corporation shall pay the amount under the award, payable to the Respondents in terms of the impugned award dated 20.09.2023 therein. This exercise shall be undertaken within a period of 12 weeks from the date of disposal of such challenge.”

8. Mr.Sethi, learned senior counsel representing the respondents has, however, stated that the dues, which have been ordered to be paid under the award passed by the Industrial Tribunal are long due and as a matter of fact they are due since the year 2014. It is also the submission of Mr.Sethi that the award essentially appears to be an award for money and, therefore, any blanket stay in such a situation where workmen are to be paid their wages under the duly passed award, is unwarranted. He has also made certain assertions regarding the manner in which the appellant–Corporation has



conducted itself. He further submits that the Corporation in fact has been dilly-dallying the payment of the awarded amount, which is making it difficult for the workmen to keep their limbs intact.

9. Placing reliance on a judgment of the Hon'ble Supreme Court in the case of ***Pam Developments Private Limited v. The State of West Bengal 2019 (8) SCC 112***, it has been argued by Mr.Sethi that in case any award is in relation to payment of money is made, it makes no difference whether the judgment debtor is a State or a non-State entity and in such a situation, passing unconditional blanket stay order is uncalled for.

10. On the aforesaid counts the appeal has been opposed.

11. We have considered the competing submissions made by the learned counsel for the respective parties and have also perused the records available before us on this appeal.

12. We have already noticed that initially when the learned Single Judge had passed the interim order dated 23.04.2024 staying the operation of the award, no such condition for deposit of the awarded amount before this Court was enclosed with the said order. In our opinion, the purpose of requiring any party in any proceedings before this Court requiring it to make deposit of any awarded amount is to ensure that, in case, the plea or the proceedings goes against such party they are not able to run away from their liability, which may accrue against them on the final disposal of the proceedings.

13. The Municipal Corporation of Delhi is a statutory Municipal Corporation burdened with many tasks affecting almost the entire population of this city. The amount under the award is Rs.36 crores and if such a huge amount is permitted to be stuck up, in our consideration, no purpose would



be served provided that the Court is able to protect the interest of the workmen as well.

14. For the aforesaid purpose, the affidavit has been filed today by none other than the Municipal Commissioner himself, wherein a clear undertaking has been given that in case the writ petition fails, the amount under the award shall be paid to the workmen within twelve weeks from such an order being passed by the learned Single Judge, that, however, will be without prejudice to the right of the appellant to assail the order in case the writ petition is dismissed.

15. Further, we have also been informed that the amount pertaining to litigation expenses, as ordered by the learned Single Judge, has also been paid to all the respondents–workmen. This fact is not being denied by the learned senior counsel for the respondents–workmen.

16. Having regard to the overall facts of the case, though we are conscious of the fact that the interim order, which is under challenge before us in this appeal, was passed by the learned Single Judge in his discretionary jurisdiction and interim order is always a discretion of the Court, however, we feel it appropriate to request the learned Single Judge to expedite the proceedings of the writ petition and decide the same at the earliest while modifying the impugned order.

17. We also are of the opinion that since the interest of the workmen has adequately been secured as per the undertaking given by none other than the Municipal Commissioner himself in the affidavit filed today, no fruitful purpose would be served in requiring the appellant–Corporation to deposit the entire amount before this Court in terms of the impugned order, which shall get stuck.



18. We have been informed that for execution of the award, the Recovery Certificate was issued to the Revenue authorities and further that the appellant–Corporation has issued certain pay orders in the name of the individual workmen which have still not been encashed in the accounts of the individual workmen and the pay orders are lying with the SDM concerned.

19. Having regard to the aforesaid facts and circumstances, the instant appeal is disposed of with the following observations and directions:-

- (i) The interim order passed by the learned Single Judge on 23.04.2024 shall continue to operate till the next date of listing of the writ petition.
- (ii) The appellant will not be required to make the deposit of the awarded amount in terms of the impugned order dated 04.02.2026 passed by the learned Single Judge, in the Registry of this Court.
- (iii) The pay orders issued in the name of the individual workmen shall be cancelled and money will be transferred to the account of the appellant–Corporation forthwith.

20. We have been informed that the next date before the learned Single Judge in the writ petition is 14.05.2026. The affidavit filed today on behalf of the appellant–Corporation clearly undertakes that no adjournment/accommodation shall be sought by them in the proceedings of the writ petition. We thus request the learned Single Judge to expedite the proceedings of the *W.P.(C) 5582/2024* and if possible decide the same within three months from 14.05.2026.

21. In the proceedings of the aforesaid writ petition before the learned Single Judge no party will seek unnecessary adjournment and adjournment, if sought, shall be permissible only in exceptional circumstances, that too,



only with the leave of the learned Single Judge.

22. The pleadings/ written submissions/ compilations, if any, by all the parties in the proceedings before the learned Single Judge shall be filed within a week from today.

23. We have been informed that before the learned Single Judge the GNCTD has not filed its counter affidavit. The said counter affidavit, if any, shall be filed within a week from today. No further time shall be made available to the GNCTD to file the counter affidavit in the proceedings of the writ petition. Rejoinder thereto, if any, be filed by the appellant by the next date of listing.

24. If any of the terms of the affidavit filed today before this Court, which has been sworn in by none other than Commissioner of the Municipal Corporation of Delhi, is not complied with, such an act on the part of the MCD shall be treated to be contempt of Court.

25. The appeal along with pending applications is, according, disposed of.

26. This order has been passed in the facts and circumstances of this case.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 28, 2026

S.Rawat