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* **IN THEHIGH COURTOF DELHIAT NEW DELHI**

\# **CNR No. DLHC010511782019**

\+ W.P.(C) 214/2020 &CM APPL. 668/2020

M/S ASIAN AURA ....Petitioner

Through: Mr. Manish Bhardwaj, Advocate, (through VC)

versus

GOVERNMENT OF NCT OF DELHI AND ORS.

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% 27.10.2026

1. The present petition has been filed under Articles 226 and 227 of the Constitution of India by the petitioner/*M/s Asian Aura* through its proprietor, Mrs. *Neelam Joshi,* assailing the order dated 28.12.2017 passed by the Authority under the Minimum Wages Act, 1948 (hereinafter referred to as "The Act"), *District North West, Delhi* (hereinafter referred to as "The Authority") in the claims filed by respondent nos. 2 to 6 under Section 20(2) of the Act.

2. *Vide* the said order, the petitioner was directed to deposit a sum of Rs.2,16,480/- towards compensation payable to the claimants/respondent nos. 2 to 6. The petitioner has also assailed the order dated 18.11.2019, whereby its application under Order IX Rule 13 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter, "CPC'), seeking setting

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aside of the *ex parte* order dated 08.06.2017 and the final order dated 28.12.2017, was dismissed.

3. Briefly stated, respondent nos. 2 to 6 filed claims under Section 20(2) of the Act, alleging that they had been paid wages less than the minimum wages notified by the Government of *NCT of Delhi* for the period from 01.09.2016 to 28.02.2017. The claims were filed against *M/s Asin Aura*. In view of the similarity in the name and address of the management, the Authority clubbed the claims and conducted common proceedings.

4. According to the petitioner, it learnt of the order dated 28.12.2017 only upon receiving notice of the execution proceedings on 17.12.2018. The petitioner submits that its representative had appeared only to point out the typographical error in the name of the management and that it had not participated thereafter for the said reason. It is contended that the Authority failed to appreciate this explanation while dismissing the application vide order dated 18.11.2019, holding that the application was beyond the one-month period prescribed under Rule 29(4) of the Minimum Wages (Central) Rules, 1950, and that Order IX Rule 13 CPC was not applicable to the proceedings under the Act.

5. None has appeared on behalf of the respondents despite notice being served.

6. *Vide* order dated 27.01.2020, the petitioner was directed to deposit Rs.1,08,240/- within four weeks, to be kept in an interest-bearing FDR, and the execution proceedings were stayed subject to such deposit. The

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said amount was deposited, as recorded *vide* order dated 28.07.2021. Respondent nos. 2 to 6, though represented by counsel, did not file a counter affidavit despite opportunities, and their right to do so was closed on 31.08.2022.

7. This court has heard the arguments and perused the record.

8. The petitioner contends that it was wrongly impleaded, as the claims were initially filed against *M/s Asin Aura India* and subsequently amended to *M/s Asian Aura India*. It relies upon its GST registration and proprietorship documents to assert that it is a separate concern. However, the Authority's order records that the management's name was corrected and fresh summons were issued *to M/s Asian Aura India*, which were duly served. No appearance or objection was recorded thereafter. The petitioner's alleged objection dated 03.05.2017 is also not reflected in the Authority's order. Thus, the petitioner's contention that it was wrongly impleaded is not borne out by the proceedings recorded before the Authority. The mere assertion of a separate identity, without establishing that the management proceeded against was a distinct concern, does not warrant interference with the award on this ground.

9. The petitioner relies upon *Miraj Marketing Corpn. v. Vishaka Engineering*[1], and *Svapn Constructions v. IDPL Employees Coop. Group Housing Society Ltd.*[2], to contend that the proceedings were initiated against a non-legal entity. However, the Authority's order records that the

[1] 2004 SCC OnLine Del 1047
[2] 2005 SCC OnLine Del 1392

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claimants had tendered affidavits and supporting documents on 30.10.2017 and that the management's name was corrected pursuant to their application. The petitioner's contention that the award was passed against a non-legal entity is not established merely by the amendment of the management's name. Further, the absence of fresh evidence after the amendment does not, by itself, invalidate the proceedings, particularly when the claimants' evidence had already been tendered. The petitioner has, therefore, failed to establish that the amendment or the absence of fresh evidence rendered the award unsustainable.

10. The petitioner's application dated 05.02.2019 was rejected by the Authority on 18.11.2019. The Authority noted that the application was beyond the period prescribed under Rule 29(4) of the Minimum Wages (Central) Rules, 1950, and considered the petitioner's plea of delay. It also held that Order IX Rule 13 CPC was not applicable to the proceedings. The petitioner has not demonstrated any error in the Authority's application of the prescribed procedure warranting interference.

11. In *Syed Yakoob v. K.S. Radhakrishnan*[3], the Supreme Court held that the jurisdiction under Article 226 is supervisory and not appellate, and that interference is warranted where the Tribunal acts without jurisdiction, violates principles of natural justice or commits an error of law apparent on the face of the record. In the present case, the Authority had jurisdiction to entertain the wage claims and proceeded to decide them after issuing summons to the management. The petitioner's contention that

[3] AIR 1964 SC 477

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it was wrongly impleaded does not, by itself, establish a jurisdictional error, particularly when the management's name was corrected and fresh summons were issued. The petitioner has also failed to establish that the amendment or the evidence already tendered by the claimants rendered the award legally unsustainable. Further, the application seeking setting aside of the *ex parte* order was considered and rejected by the Authority on the ground of delay and the applicability of the prescribed procedure. No violation of natural justice or error of law apparent on the face of the record has been demonstrated. The petitioner's challenge, therefore, does not fall within the grounds warranting interference under Article 226 of the Constitution.

12. Accordingly, the present petition is dismissed. The amount of Rs.1,08,240/- deposited by the petitioner before this Court, along with the accrued interest, shall be released to respondent nos. 2 to 6 as prescribed under the impugned award. The petitioner shall pay the remaining amount of Rs.1,08,240/- to respondent nos. 2 to 6 within four weeks from today, whereafter, it will carry an interest @ 9% per annum.

13. The pending application also stands disposed of.

MANOJ KUMAR OHRI, J

OCTOBER 27, 2026/na

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