



\$~7

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

+ W.P.(C) 17444/2025, CM APPL. 72034/2025

M/S DISHA VOICE AND
SURVEILLANCE PVT. LTD.

.....Petitioner

Through: Mr. Ajay Kumar, Advocate along
with petitioner.

versus

SH. NIRVESH KUMAR AND ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **17.02.2026**

1. The present petition has been filed by the petitioner assailing an order dated 26.05.2025 passed by the Authority (East District) under the Delhi Shop Establishment Act, 1954, whereby, the petitioner has been directed to pay an amount of Rs.4,62,100/- towards due earned wages to the respondent no.1/claimant for a period between 01.03.2020 and 31.12.2021.
2. The limited point urged by the petitioner is that there is no basis for calculating/computing the said amount.
3. On contrary, it is the case of the respondent no.1/claimant that without any cogent rationale, the petitioner has denied him salary for a period between 01.03.2020 and 31.12.2021.
4. Learned counsel for the petitioner seeks to rely upon certain bank statements of the respondents/claimants to contend that the respondents have been paid during the said period. The bank statement/s relied upon, do not give any inkling as to the nature of the alleged payment/s. In any event, the stray payment/s allegedly reflected therein, cannot detract from the findings



in the impugned order which are based on the consideration of the evidence and also the affidavit filed by the petitioner before the concerned authority.

5. Further, it is noted that in the affidavit of evidence filed on behalf of the respondent no.1/claimant before the concerned authority, it was specifically stated as under:

4. The employers were exploiting the deponent by depriving him of service records and all other statutory facilities and were causing financial and mental harm to the deponent by adopting an anti-labour attitude towards him and withholding his earned salary and other dues. The details of the salary earned by the deponent are as follows:

Salary earned from till 31-12-2021	4,62,000/-
Total amount	4,62,000/-

The deponent has sent a demand letter on 28-06-2022 demanding the amount of outstanding earned salary. The employer received the demand letter but the employer did not respond to the demand letter nor did they pay the outstanding earned salary of the employee. The deponent is attaching the demand letter sent to the employer along with the affidavit Ex. WW 1/1, speed post receipt Ex. WW 1/2, complaint given to Mr. Assistant Labor Commissioner Ex. WW 1/3, photocopy of the bill Ex. WW 1/4, identity card given by the employer Ex. WW 1/5, copy of bank statement Ex. WW 1/6, copy of the Aadhar card of the employee till Ex. WW 1/7. Certified True Copy.

deponent requests the Hon'ble Court to order the managers to pay the amount of outstanding earned salary of the deponent. The employers have not made the payment on time, hence a fine of 10 times the amount should be imposed on the employers and any other order which is in favour of the deponent from the point of view of the NYU should also be passed.

6. The only defence taken by the petitioner (as reflected in the pleading and the affidavit of evidence filed before the concerned authority), was that the respondent no.1 never reported for duty for the period between 01.03.2020 till 31.12.2021. However, in the present proceedings, a contrary



plea has been taken that the respondent was paid salary during the concerned period. The petitioner should not be allowed to take such mutually contradictory pleas.

7. Be that as it may, it is found that the conclusion drawn in the impugned order is based on an intricate appreciation of evidence adduced by the parties before the concerned authority. This Court does not find any perversity or apparent error, so as to interfere with the same.

8. In the circumstances, this Court finds no merit in the present petition and the same is, accordingly, dismissed. Pending application also stands disposed of.

SACHIN DATTA, J

FEBRUARY 17, 2026/at