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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 18325/2025 & CM APPL. 75888/2025

N A SEBASTIAN & ANR.

.....Petitioners

Through: Mr. Ravindra S. Garia, Mr. Shashank Singh, Mr. Ashok Rawat, Mr. Fidel Sebastian, Mr. Dheerendra Kumar Yadav, Advs. with the petitioner in person.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Tushar Mehta, SGI and Mr. Chetan Sharma, ASG, Mr. Ashish K. Dixit, CGSC, Mr. Amit Sharma, Mr. Umar Hashmi, Mr. Amit Gupta, Ms. Iqra Sheikh, Mr. Shubham Sharma, Mr. Yash Wardhan Sharma, Mr. Naman and Mr. Abdullah Shahid, Advs, Mr. Surjeet Singh, GP.

Ms. Deepika Kachal, JS, Mr. Govind Ram, DS, Mr. P.K. Jena, Director, Mr. Razi A. Khan, WC(C) Jammu and Mr. Kumar Amrithesh, RLC(C) New Delhi

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

02.02.2026

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1. The present petition has been filed with the prayer to quash the notification dated 21.11.2025 whereby the said date was appointed as the date of coming into force of the Industrial Relations Code, 2020 (hereinafter referred to as 'the Code, 2020'). The notification was issued under sub-Section 3 of Section 1 of the Code, 2020, however, the notification was not in accordance with the requirement of Section 104 of the Code, 2020 which requires that in the notification issued under sub-Section 3 of Section 1 for commencement of the provisions of the Code, the Government shall specify



that provisions of certain enactments mentioned therein shall stand repealed with effect from the date appointed in the notification in this behalf and the remaining provisions of the enactments referred to in clauses (a) to (c) in Section 104(1) of the Code shall remain in force till they are repealed by like notifications in the like manner.

2. When the petition was entertained, it was submitted by learned counsel for the petitioner that in absence of any specification regarding repeal of the Acts as mentioned in Section 104 in the notification issued earlier under Sub-Section 3 of Section 1 of the Code, the entire new regime, which is sought to be enforced, had become unworkable.

3. Apart from the above, another issue raised in the writ petition, as addressed on earlier occasion by learned counsel for the petitioner, was that in absence of the rules which are required to be framed under Section 99 of the Code, 2020, various statutory authorities and tribunals etc. cannot be constituted and on enforcement of the new Code, the old labour laws cannot be applied and, therefore, it was prayed that an appropriate direction be issued so that the authorities and tribunals and labour Courts etc. under the old regime may continue to function till the constitution of the authorities/ Tribunals/ Courts under the new Code, 2020.

4. The Court, thus, brought the concerns raised in the writ petition to the notice of the learned ASG and required the Central Government to consider the entire matter.

5. Today, two notifications, both dated 02.02.2026, have been tendered to the Court by the learned Solicitor General of India which are taken on record.

6. The first notification has been issued modifying the earlier



notification dated 21.11.2025 which specifies, in terms of Section 104 of the Code, that the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 and Industrial Disputes Act, 1947 stood repealed with effect from the date appointed in the notification dated 21.11.2025. As a result of this notification, three enactments, which are mentioned therein, now stand repealed with effect from 21.11.2025.

7. The second notification, which is also dated 02.02.2026, has been issued under Section 103 of the Code, 2020 which empowers the Central Government to remove difficulties. By this notification the Central Government has made an Order called the Industrial Relations Code (Removal of Difficulties) (Amendment) Order, 2026 and clarified that all the existing statutory authorities under the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 and Industrial Disputes Act, 1947 shall continue to function until the appointment of such statutory authorities under the Industrial Relations Code, 2020 for ensuring continuity of functions, smooth transition and avoiding any legal or administrative vacuum.

8. Clause 3 which has been inserted by the notification dated 02.02.2026 in the Industrial Relations Code (Removal of Difficulties) Order, 2026 is extracted hereunder:

“3. It is further clarified that all the existing statutory authorities under the Trade Unions Act, 1926(16 of 1926), the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) and the Industrial Disputes Act, 1947(14 of 1947), shall continue to function until the appointment of such statutory authorities under the Industrial Relations Code, 2020 for ensuring continuity of functions, smooth transition and avoiding any legal or administrative vacuum.”

9. The said provision, as submitted by learned Solicitor General of India



provides for the relevant statutory mechanism to deal with issues and matters relating to labour, till the rules under Section 99 of the new Code are made.

10. We have also been informed that the rule making process under the new Code is continuing and, as a matter of fact, the objections and suggestions from general public have also been invited and the rules are likely to be finalized soon. It has been stated by the learned Solicitor General, on instructions, that in all likelihood the Rules shall be finalized by the end of February, 2026.

11. In view of the aforesaid developments, in our opinion, the concerns raised in this petition stand addressed and, therefore, continuance of the proceedings of this petition would not be required.

12. At this juncture, learned counsel for the petitioner has stated that in absence of the Rules to be framed under Section 99 of the Code, the stalemate will continue to exist and the authorities under the old enactments which stand repealed will not be able to discharge their functions.

13. We are of the opinion that such an apprehension is unfounded and in case, in any particular instance any such situation arises, it shall be open to the party concerned to approach the appropriate Court/ forum for redressal of such grievances.

14. The petition, thus, stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 2, 2026

N.Khanna