



\$~75

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

+ W.P.(C) 1465/2026

M/S MAHABIR FLEX (ACTUALLY M/S MAHAVIR STEEL
THROUGH SOLE PROPRIETOR SH. ANIL JAIN).....Petitioner

Through: Mr. Shri Harsh, Adv.

versus

SHRI RAMESH AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **03.02.2026**

1. The present petition has been filed by the petitioner assailing an order dated 31.05.2023 and order dated 22.08.2023, passed by the concerned authority under the Delhi Shops and Establishments Act, 1954.
2. The background of the matter is that there was a dispute between the petitioner and its employees (the respondents herein) with regard to payment of dues. Consequently, the respondents initiated legal proceedings against the petitioner on 18.01.2021 before the concerned authority under the Delhi Shops and Establishments Act, 1954, North West at Ashok Vihar, Delhi.
3. Initially, the petitioner was represented through counsel. However, while the proceedings were ongoing, the concerned advocate for the petitioner stopped appearing. As a result, the petitioner was proceeded *ex parte* on 01.04.2022.
4. The concerned authority completed the proceedings and taking into account the attendant facts and circumstances, passed an order dated 31.05.2023. The same *inter-alia* reads as under:



7. I am of the view that claimants while working with the respondent have not been paid their earned wages for the period mentioned in claims. Claimants are therefore, entitled to receive relief as per the table mentioned below:-

S. No.	Name	Last drawn salary per month (Rs.)	Period of claim	Unpaid salary for claim period (Rs.)
(1)	(2)	(3)	(4)	(5)
1.	Sh. Ramesh S/o Sh. Somnath	11,500/-	01.02.2019 to 31.08.2019	80,500/-
2.	Sh. Vinod S/o Sh. Munakhi Lal	9,000/-	01.02.2019 to 31.08.2019	63,000/-
3.	Sh. Satya Narayan Pandit S/o Sh. Furti Lal Pandit	10,500/-	01.02.2019 to 31.08.2019	73,500/-
4.	Sh. Vicky S/o Sh. Kushhar	7,000/-	01.02.2019 to 31.08.2019	49,000/-

8. In view of the above findings, and in exercise of the power conferred upon this Authority under sub section (3) of section 21 of the Act, the respondent is held liable to pay the above amount, hence directed to deposit amount as mentioned above in Column No.5 of Para 7 before this Authority alongwith compensation of Rs.100/- in favour of each claimants within 30 days of this order, by way of demand draft/pay order. In case of failure to comply with this order, the ordered amount alongwith compensation shall be recovered as per the provisions of section 21 (5) of the Act.

5. Thereafter, an application under Order 9 Rule XIII read with Section 151 CPC came to be filed by the petitioner seeking the aforesaid order dated 31.05.2023 to be set aside. The said application also came to be dismissed vide order dated 22.08.2023, holding as under:

“In the present matter the summon dated 23.09.2021 sent to respondent was duly received by the respondent as per track consignment delivery report No.ED7853943671N of Postal Department. As it was within the knowledge of the respondent that the matter has been fixed before the Authority on 08.11.2021, for which the respondent failed to file written statement having knowledge of the date of hearing. In view of the above I am of the considered view that the respondent had notice of the date of hearing and had sufficient time to appear to answer the claim of the claimant. The respondent had knowledge of the date of hearing and deliberately failed to file written statement. Hence in the light of above



said judgment of Hon'ble Supreme Court, the said application of the respondent is not maintainable, hence dismissed.”

6. The present petition has been filed almost 2 ½ years after the aforesaid order dated 22.08.2023 came to be passed.
7. During the course of hearing, learned counsel for the petitioner is unable to justify the laches in filing the present petition. The same itself is sufficient to dismiss the present petition.
8. Even otherwise, this Court finds no infirmity in the directions contained in the order dated 31.05.2023. As evident from paragraph-5 of the order dated 31.05.2023, substantial evidence was placed on record by the claimants, which is taken note of in the said order.
9. In the circumstances, this Court finds no merit in the present petition and the same is, accordingly, dismissed.

SACHIN DATTA, J

FEBRUARY 3, 2026/cl