

20<sup>th</sup> Oct., 2022

Present : Ms. Imerti Devi, w/o deceased claimant with the A/R Shri Nikhil.  
Ms. Sonia A. Menon, Shubhangi for the management MSTC.  
Ms. Jyoti Sharma, Ld. A/R for the management no. 2.

Heard parties at length. Put up on 03.11.2023 for ORDERS.

Presiding Officer  
20<sup>th</sup> October 2022

Misc No. 01/2020  
03.11.2022

Present:- Ms. Imerti Devi, W/o deceased claimant with the A/R Shri Nikhil.  
Ms. Sonia A. Menon, Shubhangi for the management MSTC.  
Ms. Jyoti Sharma, Ld. A/R for the management No.2.

This order deals with the application filed by the respondent No.2 i.e M/s Goel Services praying to setaside the award dated 20.08.2019 passed in ID No. 27/2013 in which the respondent NO.2 was proceeded exparte on the grounds stated therein.


Copy of the petition was served on the claimant as well as respondent No.1 who appeared and participated in the hearing.

The Ld. A/R for the management No.2 submitted that the notice of Id No. 27/2013 was never served on them as the claimant intentionally mentioned a wrong address in the claim petition. They only came to know about the award from respondent No.1 and rushed to this tribunal for setting aside the same. The LD. A/R for the management No.2 during course of argument submitted that on inspection of the record she could know about the notice sent in the wrong address leading to the exparte proceeding against them.

In reply the Ld. A/R for the claimant submitted that the address was correctly described in the claim petition and as such the notices were properly served.

The chronologically maintained order sheet shows that the management No.2 was proceeded exparte by order dated 29.01.2014. The copy of the notice available in the record describes the address of the respondent No.2 as the proprietor M/s Goel Services 207 Jain Bhawan 18/12/WEA karol Bagh New Delhi. The claim petition describes the identity of respondent No.2 as M/s Goel services through its partner Shri Rajesh Agaarwal 207Jain Bhawan 18/12WEA Karol Bagh. The present application for restoration filed by the respondent No.2 describes the address of the legal heirs which is

totally different. But the documents which are in the nature of I-card issued by the respondent No.2 to the claimants describes the address differently i.e F-43 second floor Deshbandhu Gupta Market Karol Bagh New Delhi. The Ld. A/R for the respondent No.2 further submitted that rajesh Agarwal was never the partner of the respondent No.2. This submission and the address mentioned in the document filed by the claimants lead to a conclusion that the notice of the industrial dispute was not properly served on respondent No.2. He was proceeded exparte inadvertently. The interest of justice would be served by setting aside the exparte award passed. Accordingly the award dated 20.08.2019 is hereby set aside. Since all the parties are present it is directed that the matter shall be listed on 9/1/23 for WS to be filed by the respondent No.2. No further time shall be allowed for the purpose since it is an old case of 2013

  
Residing Officer

3.11.2022