

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI-1; ROOM NO 208,
ROUSE AVENUE DISTRICT COURT COMPLEX, NEW DELHI-110002.**

APPEAL NO. D-1/32/2020

M/s. Dusseldorf India Pvt. Ltd.

Appellant

Through:- Sh. Rajat Jariwal, Sh. Avirat Kumar & Ms. Shruti Khanijow,

Vs.

APFC Delhi-South

Respondent

Through:- Ms. Rashmi Malhotra, Ld. Counsel

ORDER DATED 22.10.2020

Today, the case was listed for reporting compliance of the order dated 16.09.2020 and further directions. The Ld.Counsel for the Appellant filed one affidavit dated 10-October-2020 stating that:-

On 08.10.2020, the Appellant has deposited the amount of Rs. 15,72,805/- (Rs. Fifteen Lakh Seventy-Two Thousand Eight Hundred and Five) with the Respondent by way of the Demand Drafts [details given below] along with a covering letter, as issued on 08.10.2020 and thus, duly complied with the aforementioned Order passed by this Hon'ble Tribunal on 15.09.2020:

- a. DD#: 328573 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.
- b. DD#: 328574 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.
- c. DD#: 328575 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.
- d. DD#: 328576 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.
- e. DD#: 328577 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.
- f. DD#: 328578 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.
- g. DD#: 328579 dated 06.10.2020 drawn on Dutsche Bank INR 1,72,805.
- h. DD#: 328580 dated 06.10.2020 drawn on Dutsche Bank INR 2,00,000.

In response to the affidavit aforementioned, the Ld. Counsel for the Respondent had submitted one office note No. DL(S)/24772/Dusseldorf/RRC-9094/2020-21/16 dated 09.10.2020 of the respondent department conforming the deposit of the amount of Rs. 15,72,805/- by the Appellant.

The Ld. Counsel for the Appellant vide his email dated 22.10.2020 has informed this Tribunal that vide order dated 15.09.2020, this Tribunal had directed that:-

On compliance of the above said direction by the appellant, the direction if any given by the recovery officer attaching the bank account of the appellant

for recovery of the amount assessed in the impugned order shall stand vacated.

But, despite of depositing the money on 08.10.2020 with the Respondent, the Respondent authority has failed to de-attach the Bank Account No. 1523935-00-0 maintained at Deutsche Bank, ECE House, 28, Kasturba Gandhi Marg, New Delhi-110001 and therefore an amount of rs. 78,64,025/- remains still blocked. Ld. Counsel for the Appellant further submitted that a suitable direction to release the amount in the aforementioned bank be passed, as the condition for stay stands already complied with.

A careful observation of the email dated 21.10.2020 sent by Respondent, it is found that although, the respondent authority confirms the receipt of amount as decided for the condition of stay, there is no mention of the directions to the Bank to release the Bank account.

After thorough consideration of the matter and documents placed on record, this Tribunal is of the considered opinion since, the appeal has been admitted and operation of the impugned order is stayed till finalisation of the appeal, it is, hereby, clarified that any restriction/ attachment on the bank account no. 1523935-00-0 maintained at Deutsche Bank, ECE House, 28, Kasturba Gandhi Marg, New Delhi-110001 stands lifted. The Bank is directed to act accordingly. Copy of the order be conveyed to the Respondent.

The Respondent is further directed to file the reply to the appeal with 04 weeks over email after serving a copy of the same to the Appellant, thereafter, the Appellant is directed to file the rejoinder, if any. List the matter on 18-02.2021.

Presiding Officer