

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No:- 959(4)2012

M/s. Devinder Raina

Appellant

VS.

RPFC, Delhi

Respondent

ORDER DATED:-26/05/2022

Present:- Shri B.K Chhabra, Ld. Counsel for the Appellant.
Shri Rajesh Kumar, Ld. Counsel for the Respondent.

The matter came up today for orders on the petition filed by the appellant for restoration of the appeal dismissed for default. Argument was heard. In the petition the appellant has stated that after the admission of the appeal the pleading was completed and the matter was adjourned to 11.12.2019 for final argument. But on that day none appeared on behalf of the appellant and appeal was dismissed for default. But the said default was not intentional but for a situation beyond the control of the appellant. Advocate S.C Verma was representing the appellant on previous dates. Just before 11.12.2019 he passed away due to some critical health element. The file and all information's were with Shri Verma and the appellant took lots of time to collect the materials and file to make the present application. Thereby the appellant has prayed for restoration of the appeal failing which serious prejudice shall be caused to the appellant.

Mr. Rajesh Kumar the Ld. Counsel for the respondent raised serious objection and submitted that under Rule 15(2) of the Tribunal Procedure Rule the restoration application should have been filed within 30 days from the date of dismissal. That having not been done the petition should be rejected with cost.

But hearing the submissions it is found that the appellant has a strong ground to make the tribunal believe that the default was not intentional but for a situation beyond its control. Hence, the petition for restoration is allowed. The appeal dismissed for default is restored to its original no. Call on 10.08.2022 for final argument.

Presiding Officer

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No. D-1/13/2018

M/s. Minimax Industries

Appellant

VS.

RPFC, Delhi (E)

Respondent

ORDER DATED :-26/05/2022

Present:- None for the appellant.
Shri Rajesh Kumar, Ld. Counsel for the Respondent.

This order deals with the application filed by the appellant praying recall of the order dated 19.07.2018 and restoring the appeal to its original Number in view of order dated 22.05.2018. The copy of the petition was served and the Ld. Counsel for the respondent Shri Rajesh Kumar filed a written objection disputing the maintainability of miscellaneous application in as much as the prayer there in is contained. The matter was heard being argued by the Ld. Counsel for the appellant and the respondent.

This appeal came up for admission on 22.05.2018 when this tribunal after hearing the parties had directed the appellant to deposit 45% of the assessed amount as pre deposit in terms of the provisions of section 70 of the Act. A time period of 6 weeks from the date of the order was allowed to the appellant to comply the direction and the case was adjourned to 19.07.2018. On 19.07.2018 the order was passed dismissing the appeal for non compliance of the condition of pre deposit. Being aggrieved, on 08.10.2018 the present petition was filed stating therein that Rs. 3,00,000/- vide DD No. 008571 dated 23.07.2018 was deposited in the office of the Registrar on 29.07.2018 and the balance would be deposited within 4 weeks. Hence, the order of dismissal be setaside and the appeal be restored.

In his objection the Ld. Counsel for the respondent Mr. Rajesh Kumar has stated that the appellant was given sufficient time for compliance of the order and the application for restoration does not contain any justifiable reason for extension of time or for the non compliance. He also submitted that the Rule 15 of the EPF Tribunal Procedure Rule can only be invoked in case the appeal is dismissed for default. He thereby prayed for rejection of the petition.

On perusal of the record and after hearing the submission it is noticed that the date fixed for compliance of the direction was 19.07.2018. No application was filed for extension of time on that

day. The demand draft which stands deposited with the registry was prepared on 23.07.2018 i.e after the time stipulated in the order. The DD was in respect of only Rs. 3,00,000/- as a part of the 45% of the assessed amount which comes to Rs. 13,40,978/-. There is no evidence that the balance amount has been deposited. No prayer for extension of time was ever made on the date of preparation of the DD or before that. This clearly shows the negligence of the appellant in complying the direction of the tribunal for compliance of the provisions of section 70 of the Act. No convincing circumstance has also been set out in the petition for non compliance of the direction. The petition is thus held devoid of merit and rejected.

Presiding Officer

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM No.208
ROUSE AVENUE, DISTRICT COURT COMPLEX, NEW DELHI-110002.
Appeal No. D-1/01/2018**

M/s. Indian Oil Corporation Ltd.
Through Sh. Rajiv Shukla, Ld. Counsel for the Appellant

Appellant

Vs.

APFC-Delhi (N)
Through Sh. Manu Parashar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

Although the case was listed for completion of pleadings, however, the Ld. Counsel for the Appellant moved one application u/s 151 CPC read with rule 21 of the Tribunal (Procedure) rules, 1997 asking for the permission;-

- a. To withdraw the present appeal without prejudice to its rights and contentions,
- b. Issue directions to the appellant to deposit an amount of Rs. 60,220/- along with interest, holding that the same shall not be taken as admission of its legal liability.

The Ld. Counsel for the Respondent wants to file written reply to the application moved today. Accordingly, list the matter on 07.07.2022 for consideration of the said application. In the meanwhile, the Appellant is at liberty of depositing the assessed amount without prejudice to his right to this appeal.

Presiding Officer

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

Appeal No. D-1/37/2019

M/s.Rosmerta HSRP Ventures Pvt. Ltd. Appellant
Through Sh. Gyan Prakash, Proxy Counsel for the Appellant

Vs.

APFC-Delhi (W) Respondent
Through Sh. Manu Parashar, Ld. Counsel for the Respondent

ORDER DATED :- 26/05/2022

List the matter on 10.08.2022 for filing rejoinder by the Ld.
Counsel for the Appellant.

Presiding Officer

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

Appeal No. D-1/84/2019

M/s. Bharat Motor
Through Sh. Manish Malhotra, Ld. Counsel for the Appellant

Appellant

Vs.

CBT through RPFC-II, Delhi (N)
Through Sh. Rikesh Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

List the matter again on 27.07.2022 for filing reply by the Ld.
Counsel for the Respondent.

Presiding Officer

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

Appeal No. D-1/02/2020

M/s.Skyline Infratech Pvt. Ltd.
Through Sh. Raj Kumar A/R for the Appellant

Appellant

Vs.

APFC-Delhi (C)
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

List the matter on 10.08.2022 for filing rejoinder by the Ld.
Counsel for the Appellant.

Presiding Officer

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

Appeal No. D-1/07/2021

M/s.Sundar Lal Jain Charitable Hospital
Through Sh. Aditya Ld. Counsel for the Appellant

Appellant

Vs.

RPFC-Delhi (N)
Through Sh. Satpal Singh, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

List the matter on 10.08.2022 for filing rejoinder by the Ld.
Counsel for the Appellant.

Presiding Officer

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

Appeal No. 715(4)2016

M/s. First Flight Couriers Ltd.
Through None for the Appellant

Appellant

Vs.

APFC-Delhi (S)
Through Sh. D.R Rao, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

The Ld. Counsel for the Respondent pressed his application for vacation of stay in this matter. Heard and the following order is passed;-

This order deals with the application filed by the Respondent of the appeal, praying vacation of the interim stay granted by this Tribunal on the execution of the order impugned in the appeal, the objection raised by the appellant to the said application, and the specific argument advanced by the learned counsel for the respective parties.

Perusal of the record shows that the Tribunal, at the time of admission of the appeal had passed a conditional order of interim stay on the execution of the order challenged pending disposal of the appeal. Since, the appeal is pending for a long period and more than six months have passed since the date of the above said interim stay order, the Respondent, by filing the present petition has prayed for vacation of the stay in view of the order passed by the Hon'ble Supreme Court in the case of Asian Resurfacing of Road Agency Pvt Ltd & Another vs C B I.

It has been stated in the petition that the Tribunal by order **dt 08/07/2016** has directed that there would be an interim stay on execution of the impugned order on compliance of the condition set out in the order. More than six months have passed since the date of that order and the stay granted has not been extended for a further period by a specific speaking order. The Hon'ble SC in the case of Asian Resurfacing of Road Agency & Anr vs Central Bureau of Investigation(Crl Appeal No1375-1376/2013)have held that

Para 36- " At times proceedings are adjourned sine die on account of stay. Even after stay is vacated intimations are not received and proceedings are not taken up. In an attempt to remedy the situation we consider it appropriate to direct that in all pending cases where stay in against the proceedings of a civil or criminal trial is operating, the same shall come to an end on expiry of six months from today unless in an exceptional case by a speaking order the stay is not extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay is more important than having the trial finalized. The trial court where order of stay of civil or criminal proceeding is produced, may fix a date not beyond six months of the order of stay so that non expiry of the period of stay, proceeding can commence unless order of extension of stay is produced."

In view of the said order and since no extension of stay has been granted by the Tribunal by a speaking order, the stay stands vacated on expiry of six month. Hence an order to that effect need to be passed for clarity .

Having heard the argument and on a mindful reading of the order passed by the Hon'ble SC in March 2018 in the case of Asian Resurfacing it appears that the directions given in para 35 and 36 will apply when

- i. A civil or criminal case is pending in a court, meaning thereby a trial court or the High Court exercising original civil jurisdiction

- ii. The trial has commenced either by framing of issue in a civil trial and or on framing of charge in a criminal trial
- iii. When the High court or civil or criminal Appellate/Revisional court have granted stay on the said trial proceedings and more than six months have passed since the date of order and no extension of stay has been allowed by a speaking order. The aforesaid directions will not apply to cases where a quasi judicial body or Tribunal grants stay.

Here is a situation, where the stay granted has not stayed the trial of any civil or criminal proceeding and the stay is specifically with regard to the recovery proceeding pursuant to a concluded inquiry and decision rendered by a quasi judicial authority, which is under challenge in the appeal.

It is true that the The Hon'ble SC , by their order dt 15th October 2020 passed in Asian Resurfacing case have reiterated that whatever stay granted by any court, including High Court, the same automatically expires after a period of six months , unless extension is granted for good reasons as per the judgment of March 2018. But this order can not be read in isolation. A conjunctive reading of para 35 and 36 the judgment of March 2018 and order dt 15th Oct 2020, leads to the only meaning that "A stay granted by any court" means and refers to a stay granted by the civil and criminal Appellate/ Revisional courts mentioned in para36 of the judgment and specifically with reference to a pending civil or criminal trial. It is not applicable to an appeal pending challenging the order passed in an already disposed of proceeding by a quasi judicial authority.

It will not be out of place to mention that the Hon'ble High Court of Bombay in the case of Oracle Financial referred supra have held in clear terms that there being no allegation that the petitioner is responsible for delay , merely relying on the judgment of the Hon'ble SC the stay can not be vacated in an appeal where the stay is in respect of the implementation of an already decided order by a quasi judicial Authority and challenged in the appeal.

In view of the aforesaid discussion, it is held that the petition filed by the Respondent for vacation of stay is without merit and rejected. Call on 17/10/2022 for arguments.

Presiding Officer

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

Appeal No. D-1/119/2019

M/s.Golden Age Engineering Pvt. Ltd. Appellant
Through Sh. Haribansh Manav, Ld. Counsel for the Appellant

Vs.

APFC-Delhi (S) Respondent
Through Sh. B.B Pradhan, Ld. Counsel for the Respondent

ORDER DATED :- 26/05/2022

The Ld. Counsel for the Respondent pressed his application for vacation of stay in this matter. Heard and the following order is passed;-

This order deals with the application filed by the Respondent of the appeal, praying vacation of the interim stay granted by this Tribunal on the execution of the order impugned in the appeal, the objection raised by the appellant to the said application, and the specific argument advanced by the learned counsel for the respective parties.

Perusal of the record shows that the Tribunal, at the time of admission of the appeal had passed a conditional order of interim stay on the execution of the order challenged pending disposal of the appeal. Since, the appeal is pending for a long period and more than six months have passed since the date of the above said interim stay order, the Respondent, by filing the present petition has prayed for vacation of the stay in view of the order passed by the Hon'ble Supreme Court in the case of Asian Resurfacing of Road Agency Pvt Ltd & Another vs C B I.

It has been stated in the petition that the Tribunal by order **dt 04/01/2022** has directed that there would be an interim stay on execution of the impugned order on compliance of the condition set out in the order. More than six months have passed since the date of that order and the stay granted has not been extended for a further period by a specific speaking order. The Hon'ble SC in the case of Asian Resurfacing of Road Agency & Anr vs Central Bureau of Investigation(Crl Appeal No1375-1376/2013)have held that

Para 36- " At times proceedings are adjourned sine die on account of stay. Even after stay is vacated intimations are not received and proceedings are not taken up. In an attempt to remedy the situation we consider it appropriate to direct that in all pending cases where stay in against the proceedings of a civil or criminal trial is operating, the same shall come to an end on expiry of six months from today unless in an exceptional case by a speaking order the stay is not extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay is more important than having the trial finalized. The trial court where order of stay of civil or criminal proceeding is produced, may fix a date not beyond six months of the order of stay so that non expiry of the period of stay, proceeding can commence unless order of extension of stay is produced."

In view of the said order and since no extension of stay has been granted by the Tribunal by a speaking order, the stay stands vacated on expiry of six month. Hence an order to that effect need to be passed for clarity .

Having heard the argument and on a mindful reading of the order passed by the Hon'ble SC in March 2018 in the case of Asian Resurfacing it appears that the directions given in para 35 and 36 will apply when

- i. A civil or criminal case is pending in a court, meaning thereby a trial court or the High Court exercising original civil jurisdiction
- ii. The trial has commenced either by framing of issue in a civil trial and or on framing of charge in a criminal trial
- iii. When the High court or civil or criminal Appellate/Revisional court have granted stay on the said trial proceedings and more than six months have passed since the date of order and no extension of stay has been allowed by a speaking order. The aforesaid directions will not apply to cases where a quasi judicial body or Tribunal grants stay.

Here is a situation, where the stay granted has not stayed the trial of any civil or criminal proceeding and the stay is specifically with regard to the recovery proceeding pursuant to a concluded inquiry and decision rendered by a quasi judicial authority, which is under challenge in the appeal.

It is true that the The Hon'ble SC , by their order dt 15th October 2020 passed in Asian Resurfacing case have reiterated that whatever stay granted by any court, including High Court, the same automatically expires after a period of six months , unless extension is granted for good reasons as per the judgment of March 2018. But this order can not be read in isolation. A conjunctive reading of para 35 and 36 the judgment of March 2018 and order dt 15th Oct 2020, leads to the only meaning that "A stay granted by any court" means and refers to a stay granted by the civil and criminal Appellate/ Revisional courts mentioned in para36 of the judgment and specifically with reference to a pending civil or criminal trial. It is not applicable to an appeal pending challenging the order passed in an already disposed of proceeding by a quasi judicial authority.

It will not be out of place to mention that the Hon'ble High Court of Bombay in the case of Oracle Financial referred supra have held in clear terms that there being no allegation that the petitioner is responsible for delay , merely relying on the judgment of the Hon'ble SC the stay can not be vacated in an appeal where the stay is in respect of the implementation of an already decided order by a quasi judicial Authority and challenged in the appeal.

In view of the aforesaid discussion, it is held that the petition filed by the Respondent for vacation of stay is without merit and rejected. Call on 10.08.2022 for filing rejoinder.

Presiding Officer

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

Appeal No. D-1/25/2020

M/s. I.J.S Electronics
Through Ms. Akanskha Narang. Ld. Counsel for the Appellant

Appellant

Vs.

APFC-Delhi (E)
Through Sh. D.R Rao, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

Both the Counsels have informed that the accounts of the Appellant establishment have been de-freezed and therefore, the Ld. Counsel for the Appellant does not want to press her prayer for de-freezing the accounts. Further, the Ld. Counsel for the Appellant also wants to file the rejoinder to the reply filed by the Ld. Counsel for the Respondent. Granted. List the mater on 10.08.2022 for filing rejoinder.

Presiding Officer

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

Appeal No. D-1/22/2022

M/s. Walter Bushnell Biotech Pvt. Ltd.
Through None for the Appellant

Appellant

Vs.

APFC-Delhi (C)
Through Sh. Manu Parashar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

The Ld. Counsel for the Respondent submitted that the title of the present case is wrongly mentioned M/s. Walter Bushnell Life Care Pvt. Ltd. in the order dated 25.04.2022. The correct name of the Appellant is M/s. Walter Bushnell Biotech Pvt. Ltd., and asked for necessary correction in the order dated 25.04.2022. Perused and it is ordered that the name of M/s. Walter Bushnell Life care Pvt. Ltd. wherever mentioned in the order dated 25.04.2022 be read as M/s. Walter Bushnell Biotech Pvt. Ltd.. List the matter on the date already fixed i.e. 05.07.2022.

Presiding Officer

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

Appeal No. 458(4)2015

M/s.Kataria Gas Services Appellant
Through Sh. S.P Arora & Sh. Rajiv Arora, Ld. Counsels for the Appellant

Vs.

APFC-Delhi Respondent
Through Sh. Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED :- 26/05/2022

Arguments heard in part. List the matter on 11.07.2022 for continuation
of the arguments.

Presiding Officer

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

Appeal No. 184(4)2017

M/s Gorkha Security Services
Through Sh. Rajiv Shukla, Ld. Counsels for the Appellant

Appellant

Vs.

APFC-Delhi (N)
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

The Ld. Counsel for the Respondent pressed his application for vacation of stay in this matter. Heard and the following order is passed;-

This order deals with the application filed by the Respondent of the appeal, praying vacation of the interim stay granted by this Tribunal on the execution of the order impugned in the appeal, the objection raised by the appellant to the said application, and the specific argument advanced by the learned counsel for the respective parties.

Perusal of the record shows that the Tribunal, at the time of admission of the appeal had passed a conditional order of interim stay on the execution of the order challenged pending disposal of the appeal. Since, the appeal is pending for a long period and more than six months have passed since the date of the above said interim stay order, the Respondent, by filing the present petition has prayed for vacation of the stay in view of the order passed by the Hon'ble Supreme Court in the case of Asian Resurfacing of Road Agency Pvt Ltd & Another vs C B I.

It has been stated in the petition that the Tribunal by order dt **16.03.2017** has directed that there would be an interim stay on execution of the impugned order on compliance of the condition set out in the order. More than six months have passed since the date of that order and the stay granted has not been extended for a further period by a specific speaking order. The Hon'ble SC in the case of Asian Resurfacing of Road Agency & Anr vs Central Bureau of Investigation(Crl Appeal No1375-1376/2013) have held that

Para 36- " At times proceedings are adjourned sine die on account of stay. Even after stay is vacated intimations are not received and proceedings are not taken up. In an attempt to remedy the situation we consider it appropriate to direct that in all pending cases where stay in against the proceedings of a civil or criminal trial is operating, the same shall come to an end on expiry of six months from today unless in an exceptional case by a speaking order the stay is not extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay is more important than having the trial finalized. The trial court where order of stay of civil or criminal proceeding is produced, may fix a date not beyond six months of the order of stay so that non expiry of the period of stay, proceeding can commence unless order of extension of stay is produced."

In view of the said order and since no extension of stay has been granted by the Tribunal by a speaking order, the stay stands vacated on expiry of six month. Hence an order to that effect need to be passed for clarity.

Having heard the argument and on a mindful reading of the order passed by the Hon'ble SC in March 2018 in the case of Asian Resurfacing it appears that the directions given in para 35 and 36 will apply when

- i. A civil or criminal case is pending in a court, meaning thereby a trial court or the High Court exercising original civil jurisdiction
- ii. The trial has commenced either by framing of issue in a civil trial and or on framing of charge in a criminal trial
- iii. When the High court or civil or criminal Appellate/Revisional court have granted stay on the said trial proceedings and more than six months have passed since the date of order and no extension of stay has been allowed by a speaking order. The aforesaid directions will not apply to cases where a quasi judicial body or Tribunal grants stay.

Here is a situation, where the stay granted has not stayed the trial of any civil or criminal proceeding and the stay is specifically with regard to the recovery proceeding pursuant to a concluded inquiry and decision rendered by a quasi judicial authority, which is under challenge in the appeal.

It is true that the The Hon'ble SC , by their order dt 15th October 2020 passed in Asian Resurfacing case have reiterated that whatever stay granted by any court, including High Court, the same automatically expires after a period of six months , unless extension is granted for good reasons as per the judgment of March 2018. But this order can not be read in isolation. A conjunctive reading of para 35 and 36 the judgment of March 2018 and order dt 15th Oct 2020, leads to the only meaning that "A stay granted by any court" means and refers to a stay granted by the civil and criminal Appellate/ Revisional courts mentioned in para36 of the judgment and specifically with reference to a pending civil or criminal trial. It is not applicable to an appeal pending challenging the order passed in an already disposed of proceeding by a quasi judicial authority.

It will not be out of place to mention that the Hon'ble High Court of Bombay in the case of Oracle Financial referred supra have held in clear terms that there being no allegation that the petitioner is responsible for delay , merely relying on the judgment of the Hon'ble SC the stay can not be vacated in an appeal where the stay is in respect of the implementation of an already decided order by a quasi judicial Authority and challenged in the appeal.

In view of the aforesaid discussion, it is held that the petition filed by the Respondent for vacation of stay is without merit and rejected. Call on 17.10.2022 for filing rejoinder.

Presiding Officer

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

Appeal No. D-2/19/2020

M/s. Shri Ram Associates
Through Sh. Raj Kumar, A/R for the Appellant

Appellant

Vs.

RPFC-Noida
Through Sh. Narender Kumar, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

List the matter on 10.08.2022 for filing rejoinder by the Ld.
Counsel for the Appellant. The appellant is also directed to file the hard
copy of the appeal.

Presiding Officer

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

Appeal No. D-2/06/2021

M/s.UPSRTC
Through Sh. Shadab Khna, Ld. Counsel for the Appellant

Appellant

Vs.

RPFC-Noida
Through Sh. S.N Mahanta, Ld. Counsel for the Respondent

Respondent

ORDER DATED :- 26/05/2022

List the matter on 10.08.2022 for completion of pleadings.

Presiding Officer