

**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-1/46/2019

M/s. G. A Digital Web Word Pvt. Ltd.

Appellant

VS.

RPFC-I, Delhi (E)

Respondent

ORDER DATED :-29/07/2022

Present:- Shri Rahul Sharma, Ld. Counsel for the appellant.
Shri S.N Mahanta, Ld. Counsel for the Respondent.

The matter came up today for consideration of the application filed by the appellant for restoration of the order dated 29.10.2021 passed by this tribunal. Heard the counsel for both the parties and peruse the record. By order dated 29.10.2021 while disposing the application for grant of interim stay this tribunal had directed the appellant to deposit 30% of the assessed amount of the damage through challan within 4 weeks from the date of communication of the order as a pre condition for stay on the execution of the impugned order pending disposal of the appeal. The case was adjourned to 10.12.2021 for compliance of the direction. On 10.12.2021 neither the compliance was reported nor any prayer was made for extension of time and thus, the interim stay granted stood vacated. Now after 7 months the appellant has come up with the present petition for restoration of the order granting stay.

On behalf of the appellant it is explained that for the difficult situation created on account of COVID and its impact on commercial activities the order could not be complied. The appellant has exhibited its bonafide by depositing 30% though at a

belated stage. Hence, the order of the interim stay may be granted and the bank account be de-attached.

In reply the Ld. Counsel for the respondent confirmed deposit of 30% by the appellant on 12.06.2022. But he strongly objected to grant of interim stay on the ground that the deposit made after the time stipulation no way exhibits the bonafides of the appellant. He further submitted that the stay if would be granted will create a bad precedence.

On hearing the submission it appears that the plea of COVID as taken by the appellant for non compliance is not a valid ground as all the activities has resumed normalcy after November 2021. The appellant had never made any prayer for extension of time. The deposit of 30% made much after the time limit granted by the tribunal if would be treated as compliance of the direction, the same will indicate that the appellant has the option of complying the direction on any subsequent date than the time line granted by the tribunal as a pre condition for stay and insist on continuance of stay. In this case the appellant has not come up with clean hands for getting the equitable relief of interim stay.

However, considering the circumstances that the bank account of the appellant has been attached for which the establishment is not able to pay salary to the employees, it is felt proper to issue a direction to the respondent to de-attach the accounts of the appellant bearing no. 012784100000013 maintained with Yes Bank and account No. 542801100050002 maintained with Union Bank of India forthwith to facilitate payment of salary to the employees. But at the same time it is observed that the interim stay granted earlier cannot be allowed to continue solely for the reason that 30% of the assessed amount has been deposited. Thus it is directed that the appellant shall deposited additional 10% of the assessed amount in addition to the 30% already deposited as a pre condition for the interim stay on the execution of the impugned order. This additional deposit shall be made by the appellant latest by 2nd August failing which the respondent authority would be at liberty of attaching the bank

accounts of the appellant again and proceed with the recovery action.

Copy of this order be handed over to counsel for both the parties for Dasti Service.

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. 599(4)2011

M/s. Kathuria Goods Carrier

Vs.

Appellant

APFC, Delhi

Respondent

ORDER DATED :- 29/07/2022

There is one application filed by the Ld. Counsel for the Respondent Sh. Prem Prakash that in the order dated 06.07.2022 the name of the Counsel for the Respondent has been wrongly mentioned as Sh. A.K Verma, and requested for the correction in the same. Perused the record. Accordingly, it is ordered that the name Sh. A.K Verma, wherever mentioned in the order dated 06.07.2022 be read as Sh. Prem Prakash.

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-2/29/2022

M/s. IL & FS Engineering & Construction Company

Appellant

Vs.

RPFC, Gurugram

Respondent

ORDER DATED :- 29/07/2022

Office report seen. The appeal is in order, hence, list the case for admission hearing on 02.08.2022. Inform the party accordingly.

Presiding Officer

