

**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-1/31/2020**

M/s. Parth Engineering Works Appellant

Through:- Shri Rajeev Shukla, Ld. Counsel for the Appellant.

Vs.

CBT &RPFC/ APFC Delhi-South Resp. 1,2 & 3

Through:- Ms. Rashmi Malhotra, Ld. Counsel for the Respondent No. 1,2 & 3

& Delhi Metro Rail Corporation Resp. no. 4

Through:- Shri Gulab Chandra Jha, Asst. Manager-Legal, DMRC for  
Respondent No. 4.

**ORDER DATED 29.10.2020**

The matter came up for orders today on the petition filed by the appellant seeking modification of the order dated 14.09.2020 to the extent that the Respondent no 4, be directed to deposit 50% of the amount directed to be deposited by the appellant as a pre condition for stay. It has been further prayed that the Respondent no 2&3 be directed to submit the entire record of the proceeding before the commissioner for reference in the appeal.

Matter was heard being argued by the counsel representing all the parties in this appeal. Learned counsel representing Respondent no 3 & 4 agreed to produce record of the proceeding on the next date of hearing.

While arguing on the petition seeking modification of the order dated 14.09.2020, he submitted that the Tribunal has directed for deposit of Rs 4,00,000/as a precondition for stay and the appellant who is facing acute shortage of cash flow on account of COVID -19 lock down and withholding of the bills by respondent no 4 could manage to deposit 50% i.e. Rs. 2 lakh only. Hence Respondent no. 4 be directed to deposit the balance amount. Respondent no 4 in its reply though stated to have cleared all the bills of the appellant has admitted that some amount of the bill has been withheld as the appellant has not furnished the certificate stating that all the statutory deposits relating to EPF and ESI have been complied for the contract period.

This clearly lead to a conclusion that some amount payable to the appellant has been withheld by the Respondent no 4. Since the amount directed is to be deposited with EPFO, it is directed that Respondent no 4 shall deposit Rs 2,00,000/- towards compliance of the order dated 14.09.2020 through challan within 3 weeks from today and the amount so deposited would be considered as paid to the appellant at the time of final settlement of the bills. Call on 23.11.2020 for compliance of the direction. The direction to the respondent no 1,2,&3 not to take any coercive action shall continue till then. It is made clear that the Respondent no 4 shall forfeit it's right of contesting the appeal on the event of non compliance of the above direction.

Sd/-

Presiding Officer