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-1/41/2020

M/s.Pitambara's Transport Services — Appellant

Through:- Shri Amit Tomar, Ld. Counsel for the Appellant

Vs.

APFC, Delhi(East) — Respondent No.1

Through:- Shri Balraaj Deewan, Ld. Counsel for the Respondent

&

ICICI Bank Ltd. — Respondent No.2

ORDER DATED 27.01.2021

This Tribunal on 21.01.2021 is in receipt of one interim application through email on behalf of the Appellant wherein the Appellant has prayed to:-

> *clarify its (Tribunal's) order dated 17.12.2020 to the extent that after depositing a sum of Rs.2,50,000/- by way of challan with the Respondent No.1 and production of proof of the same before this Tribunal, the Respondent no.2 (ICICI Bank) will be liable to forgo the lien by which it is holding an amount of Rs. 11,80,821.66/- on behalf of Respondent No.1 and credit the said sum to the bank account of the appellant.*

The Ld. Counsel for the Respondent No.1has filed the reply to this application which is taken on record. During the detailed arguments, the Ld. Counsel for the Respondent No.1submitted that no amount has been received to the Respondent No.1 and whole amount is lying with the Bank(Respondent No.2). He further argued that this Tribunal has no jurisdiction over the actions taken under section 8 F of the Act. During the course of arguments, it is also made clear by the Ld. Counsel for the Appellant that only one proceeding u/s 8F is ongoing and that too for the recovery of the impugned amount as mentioned in this appeal.

After careful consideration, this Tribunal is of the opinion that in spite of the conditional stay order granted by this tribunal vide order dated 17.12.20, while admitting the appeal if the Bank is allowed to keep the lien on the bank account of the appellant, no fruitful purpose will be served in filing the appeal and the appeal will become infructuous. More over though this tribunal lacks jurisdiction to pass any order in respect of the 8F proceeding, by necessary implication the proceeding u/s 8 F takes a halt for the stay on the execution of the 14B order from which the 8F proceeding springs off.

Therefore, it is directed that if the Appellant deposits an amount of Rs. 2,50,000/- with the Respondent No.1 by way of challan within a period of 02 weeks and submits a proof of deposit, then any lien on account no. 022505500113 imposed by Branch Manager, ICICI Bank shall be lifted and the appellant will be free to operate the bank account. Interim orders to continue till next date i.e. 11.02.2021.

Sd/-
Presiding Officer