



2025:DHC:6110



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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***Date of Decision: 25.07.2025***

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**W.P.(C) 11299/2019 & CM APPL. 46524/2019**

LALTI DEVI &amp; ORS

.....Petitioners

Through: Mr. Yashaswi S.K. Chocksey, Mr.  
Ankit Singh and Mr. Vijay Rajput,  
Advs.

versus

GOVT. OF NCT OF DELHI &amp; ORS

.....Respondents

Through: Ms. Vaishali Gupta, Panel Counsel  
for GNCTD.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had on 24.07.2025 after hearing the learned Counsel for the parties passed the following order:

“1. The present Petition has been filed under Article 226/227 of the Constitution of India seeking to challenge the order dated 04.02.2019 passed by the Court of Commissioner Employees Compensation (under Employees' Compensation Act, 1923) District North-West, Labour Welfare Centre, Nimri Colony, Ashok Vihar, Phase-IV, Delhi-110052 [hereinafter referred to as “Order”] and order dated 04.04.2019 passed by Government of National Capital Territory of Delhi Office of Assistant Collector Grade-I/II Room No.16 D.M. North (Revenue) Office Complex G.T. Karnal Road Alipur Delhi-110036 [hereinafter referred to as “Notice”].

2. The Order and Notice have been issued in pursuance of a judgment dated 18/20.07.2016 passed by the Authority [hereinafter referred to as “Judgment”] under the Employee Compensation Act, 1923 [hereinafter referred to as “EC Act”].

3. By the Judgment, the predecessor-in-interest of the Petitioners has been directed to make payment in the sum of Rs.5,91,180/- along with interest at the rate of 12% per annum from 20.03.2007 till the date of its realization.

3.1 Since the amounts as directed by the Judgment were not deposited by the predecessor-in-interest of the Petitioners, recovery proceedings were initiated.



4. It is the case of the Petitioners that the predecessor-in-interest of the Petitioners, against whom the Judgment has been passed, has expired away and that an Application for substitution was disposed of by Respondent No.2 by the Order dated 04.02.2019.

5. The Order references the fact that the notice sent to both sons of the deceased was returned as the address was not traceable. Other attempts made by the authority also, including through the Police, led to a response that the service of order was refused by the Petitioner No.3. Thus, the Order held that actions for recovery under Section 31 of the EC Act be initiated in the matter.

6. In pursuance thereof, the recovery certificates were issued and Respondent No.1/GNCTD passed directions by the Notice dated 04.04.2019 for recovery amounts as arrears of land revenue. It is this Order and Notice that has been challenged by the Petitioners before this Court.

7. A Coordinate Bench of this Court by its order dated 14.01.2025 had directed that the Respondents are proceeded ex-parte.

8. Learned Counsel for the Petitioners submits that the Petitioners have challenged the Judgment passed by the Labour Commissioner/Authority by the Petition No. WCD/50/NW/07/1219 dated 20.07.2016 captioned *Smt. Santosha Devi v. Naresh Sahu & Anr.*, which matter is pending adjudication before the learned Labour Court. However, the learned Counsel for the Petitioner fairly submits that the Judgment is still in operation.”

2. Learned Counsel for the Petitioners has returned with instructions today. He submits that the Petitioners have filed an Application for setting aside the order dated 18/20.07.2016 as well as the recovery notice dated 04.02.2019 and that these proceedings are pending before the Commissioner, Employees Compensation, District North West [hereinafter referred to as “Application for setting aside order”].

2.1 Learned Counsel for the Petitioners submits that the Petitioners were constrained to file proceedings before this Court in view of the coercive steps that were being taken against them for recovery of the aforesaid amounts. This Court by its order dated 22.10.2019 had directed that no



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coercive steps be taken against the Petitioners. He further submits that this order would be extended for a period till a decision to the challenge of the order dated 18/20.07.2016 is concluded.

3. The record reflects that the Respondents have been proceeded with ex parte by the order dated 14.01.2025, since there was no appearance on their behalf on several dates.

4. Learned Counsel for the Petitioner submits that the Respondent No. 3 is not appearing before the learned Labour Court.

5. Learned Counsel for the Petitioners submits that the Petitioners are the legal representatives of the deceased/judgment debtor and have not been given an opportunity to present their case. Learned Counsel further submits that he restricts his prayers in the present Petition to an order permitting the Petitioners to agitate all their contentions before the appropriate Authority under the Employees Compensation Act, 1923.

6. The Petition is accordingly disposed of granting the Petitioners permission to appear before the appropriate Authority under the Employees Compensation Act, 1923 to agitate all their contentions before the said authority.

6.1 For this purpose, the parties shall appear before the authority on 26.08.2025.

7. Interim protection granted by this Court to the Petitioners is extended up to 30.11.2025.



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8. It is clarified that this Court has not examined the matter on merits. The parties are at liberty to agitate all their contentions in accordance with law.
9. The Petition is disposed of in the foregoing terms. The pending Application also stands closed.
10. The parties will act based on the digitally signed copy of the order.

**TARA VITASTA GANJU, J**

**JULY 25, 2025/r**