

**IN THE COURT OF MS. SUJATA KOHLI, PRINCIPAL DISTRICT &
SESSIONS JUDGE-CUM-SPECIAL JUDGE (PC ACT) (CBI), ROUSE
AVENUE DISTRICT COURT, NEW DELHI**

Transfer Petition No. 01/2020

M/S KUMAR FOOD INDUSTRIES LTD. VS. GOVT OF NCT & ANR.

25.09.2020

**Order on application for listing the matters in LIR Nos.
3145/3146/3147/3148/3149 of 2017 (connected matters) before
some other Presiding Officer, Labour Court on the ground that Ld.
Presiding Officer Sh. Ramesh Kumar is not well.**

ORDER

1. The brief facts are that an application was filed by the Respondent under Sections 10(1) (c) and 12(5) of the Industrial Disputes Act, 1947 to the Office of Joint Labour Commissioner under Section 12(4) of the Industrial Disputes Act, 1947, where-from the application was referred to Labour Court vide order dated 26.9.2017.
2. The management came to know that an *ex-parte* award had been passed and approached Labour Court to obtain the copies of files i.e. LIR No. 3145/3146/3147/3148/3149 of 2017 (all connected matters), but the Labour Court dismissed the application vide order dated 04.8.2020.
3. Feeling aggrieved by the order dated 04.08.2020 passed by the Ld. Presiding Officer, Labour Court, the management preferred writ petitions vide Writ Petition Nos. W.P (C) 5255/17, 5256/17, 5270/17, 5271/17, 5279/17, against the said order in the above-mentioned matters before the Hon'ble High Court for setting aside the order dated 04.08.2020.

4. Vide order dated 14.08.2020, the Hon'ble High Court disposed of the Writ Petitions with following directions:

“... .. the copies of the record of LIR Nos. 3145/17, 3146/17, 3147/17, 3148/17 and 3149/17 be provided to the Petitioner within a period of one week from today. On the same being provided, the Petitioner is permitted to avail of its remedies in accordance with law. In view of this order, the Implementation Officer shall adjourn the matter, stated to be listed before him on 20th August, 2020, by one month in order to enable the Petitioner to avail its remedies. Upon the expiry of one month, the Implementation Officer is free to proceed in accordance with law.”

5. Thereafter, petitioner, applicant herein, received the copies of the files on 17.08.2020 and the Ld. Presiding Officer was on sick leave since 20.08.2020. On 15.09.2020, applications under order 9 Rule 13 were filed before the concerned Court i.e. the Court of Sh. Ramesh Kumar-II, Ld. Presiding Officer, Labour Court and the applications were fixed for 19.09.2020. However, on 19.09.2020, the matter could not be taken up as Sh. Ramesh Kumar-II, Ld. Presiding Officer was not well and the matter was fixed for 26.09.2020.
6. It is submitted by Ld. Counsel for the applicant that Sh. Ramesh Kumar-II, Ld. Presiding Officer has extended leave due to ill health and medical treatment, and it may take a long time for the recovery. It is further submitted uncertain that the matter will likely to be taken up on the date fixed i.e. 26.09.2020, due to the ongoing ill health of the Ld. presiding officer. It is further submitted that the stay in the present matter granted by the Hon'ble High Court was only till 21.9.2020 and the applications were filed well within the

stipulated time. It is further submitted that in compliance of order of Hon'ble High court order the applicant should be given an opportunity to be heard in the interest of Justice as the efficacious remedy lies before this Hon'ble Court. It is prayed that in the interest of justice the aforesaid matters be transferred to some other Court.

7. I have heard the submissions and gone through the record.
8. Considering the submissions made at the bar, the nature of the disease i.e. paralysis suffered by Sh. Ramesh Kumar-II, Ld. Presiding Officer, Labour Court and urgency expressed by Ld. Counsel for the applicant, I deem it appropriate to transfer the matters to some other Court.
9. Accordingly, **the matters i.e. LIR Nos. 3145/3146/3147/3148/3149 of 2017 stand withdrawn from the Court of Sh. Ramesh Kumar-II, Ld. Presiding Officer, Labour Court, RADC, New Delhi and are transferred to the Court of Sh. Pawan Kumar Mattoo, Ld. Presiding Officer, Labour Court, RADC, New Delhi for disposal in accordance with law.**
10. **Parties are directed to appear before the transferee Court on 28.09.2020 at 10.30 AM.**
11. Ahlmad is directed to send the file complete, in all respects, to the transferee Court immediately.
12. **Application stands disposed of.**
13. Application file be consigned to Record Room after completion of due formalities.
14. A copy of this order be sent to the Courts for necessary compliance and action.

A copy of this order be provided to Ld. Counsel for the applicant

through electronic mode.

A copy of this order be also sent to the Computer Branch to be uploaded on the official website.

**Announced through video conferencing
today on 25.09.2020**

(SUJATA KOHLI)
Principal District & Sessions Judge-cum-
Spl. Judge (PC Act) (CBI)/RADC/ND

**CC No. 167/2019
CBI Vs. Om Prakash**

25.09.2020

Present: Sh. Umesh Chandra Saxena, Sr. PP for CBI.

Sh. Sanjeev Bhardwaj, Advocate for the accused.

Matter was taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

This matter is at the stage of prosecution evidence.

In terms of orders of Hon'ble High Court No. 26/DHC/2020 dated 30.07.2020 and No. 322/RG/DHC/2020 dated 15.08.2020, evidence shall be recorded only in *ex-parte* and uncontested matters where the same is required to be tendered by way of affidavit.

Accordingly, list on 01.12.2020 for PE.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/25.09.2020

**Cr. Rev. No. 24/2020
CBI Vs. Avinash Chander**

**Cr. Rev. No. 25/2020
CBI Vs. Ashwani Sharma**

**Cr. Rev No. 26/2020
CBI Vs. Naveen Kaushik**

**Cr. Rev. No. 27/2020
CBI Vs. Ashutosh Pant**

**Cr. Rev. No. 28/2020
CBI Vs. Ajit Singh**

25.09.2020

Present: Sh. Umesh Chandra Saxena, Sr. PP for CBI/revisionist.

**Sh. Sudhir Gupta, Advocate for respondent/accused
Avinash Chander.**

**Dr. Sushil Gupta, Advocate for respondents/accused
Ashwani Sharma, Naveen Kaushik and Ashutosh Pant.**

**Respondent/accused *Ajit Singh in person* with Ms. Nidhi
Raj Bindra and Sh. Gurpratap Singh, Advocates.**

IO/SI Nishender Diwakar in person.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Matter is fixed today for completion of appearance on behalf of respondent/accused Ajit Singh. He has appeared through VC alongwith his counsel(s).

It is submitted by Ms. Nidhi Raj Bindra and Sh. Gurpratap Singh, Ld. Counsel for respondent/accused Ajit Singh that their *vaklatanamas* are not on record and they will be filing the same today itself. **Let the same be filed in the course of day electronically.**

It is further submitted that they do not have the complete file/copy of the revision with them. **Let the same be supplied to them through electronic means during the course of the day. However, this shall be subject to filing of the vakalatnama(s).**

Replies have been filed on behalf of all the respondents/accused, except respondent/accused Ajit Singh.

Ld. Counsel(s) for the respondent/accused Ajit Singh submit that two weeks' time may be granted to them for filing the reply. **Let the reply be filed positively within two weeks after serving an advance copy to the opposite party.**

List on 12.10.2020 at 02.30 PM for final hearing.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/25.09.2020

Cr. Rev. No. 4/2020
AVINASH CHANDER VS. CBI

25.09.2020

Present: Sh. Sudhir Gupta, Advocate for revisionist/accused
Avinash Chander.
Sh. Umesh Chandra Saxena, Sr. PP for CBI/respondent.
IO/SI Nishender Diwakar in person.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

List on 12.10.2020 at 02.30 PM alongwith
connected/cross revisions.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)
Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/25.09.2020

**CrI. Revision No. 15/2020
Dr. Gaurav Malik Vs. CBI**

25.09.2020

Present: Revisionist with Sh. Ashesh Lal, Advocate.

Sh. Umesh Chandra Saxena, Sr. PP for CBI.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Further arguments addressed by Ld. Counsel for the revisionist/accused and concluded. Ld. Sr. PP also addressed his arguments in rebuttal.

List on 03.10.2020 at 02.30 PM for orders.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/25.09.2020

CrI. Revision No. 34/2020

M/s Add Advertising Services Pvt. Ltd. Vs. CBI

25.09.2020

Present: Tanveer Ahmed Mir, Advocate for the revisionist.

Sh. Umesh Chandra Saxena, Sr. PP for CBI/respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Detailed arguments addressed by both parties and concluded.

List on 28.09.2020 at 02.30 PM for orders.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/25.09.2020

**IN THE COURT OF MS. SUJATA KOHLI, PRINCIPAL DISTRICT &
SESSIONS JUDGE-CUM-SPECIAL JUDGE (PC ACT) (CBI), ROUSE
AVENUE DISTRICT COURT COMPLEX, NEW DELHI**

Transfer Petition (civil) No. 01/2020

M/s Kumar Food Industries Ltd. Vs. GOVT OF NCT & Another

25.09.2020

Present: Ms. Nandita Abrol, Advocate for applicant/management.

Matter was taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Vide separate detailed order passed today, the instant application stands disposed of.

The matters i.e. LIR Nos. 3145/3146/3147/3148/3149 of 2017 stand withdrawn from the Court of Sh. Ramesh Kumar-II, Ld. Presiding Officer, Labour Court, RADC, New Delhi and transferred to the Court of Sh. Pawan Kumar Matto, Ld. Presiding Officer, Labour Court, RADC, New Delhi for disposal in accordance with law.

Parties are directed to appear before the transferee Court on 28.09.2020 at 10.30 AM.

Ahlmad is directed to send the file complete, in all respects, to the transferee Court immediately.

Application file be consigned to Record Room after completion of due formalities.

A copy of the detailed order be sent to the Courts concerned for necessary compliance and action.

A copy of the detailed order be provided to Ld. Counsel for the applicant through electronic mode.

A copy of the detailed order as well as this order be also sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)
District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/25.09.2020