



HIGH COURT OF UTTARAKHAND AT NAINITAL

15th October, 2026

Writ Petition Misc. Single No.3212 of 2026

Shivam Autotech Limited --Petitioner

Versus

Labour Commissioner and Others --Respondents

With

Writ Petition Misc. Single No.3220 of 2026

M/s Kashi Vishwanath Steels Pvt Ltd and Another

--Petitioners

Versus

State Of Uttarakhand and Others --Respondents

With

Writ Petition Misc. Single No. 3222 of 2026

M/s Themis Medicare Ltd

--Petitioner

Versus

State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Pankaj Miglani, learned counsel and Ms. Lakshika Negi, learned counsel for petitioner in WPMS/3212/2026.

Mr. Prem Prakash Singh Phartyal and Mr. Pankaj Kumar Singh, learned counsel for petitioners in WPMS/3220/2026.

Mr. Eshan Sachdeva, learned counsel for petitioner, through V.C. in WPMS/3222/2026.

Mr. Yogesh Tiwari, learned D.A.G. with Mr. B.S. Koranga, learned Brief Holder for the State of Uttarakhand.

Mr. Hari Mohan Bhatia, learned counsel for Uttarakhand Building and Other Construction Workers' Welfare Board.

Hon'ble Pankaj Purohit, J.

Since common question of law and facts are involved in these writ petitions, hence they are being taken up and being decided together.

2. Petitioner(s) are aggrieved by the order passed



by Assistant Labour Commissioner-cum-Cess Assessor and Cess Collector, under Section 5 of the Building and Other Construction Workers' Welfare Cess Act, 1996, (hereinafter referred to as 'the Act') whereby, petitioner(s)-Construction Company is directed to pay the penalty and labour cess.

3. Feeling aggrieved by the said order, petitioner has approached the Appellate Authority i.e. Labour Commissioner, Uttarakhand, under Section 11 of the Act by filing different Appeals in aforesaid writ petitions. A prayer has been made by petitioner(s) for staying the operation and effect of the orders impugned passed by learned Assistant Labour Commissioner in these Appeals.

4. It is contended by learned counsel for petitioner(s) that due to non-availability of the Presiding Officer i.e. Assistant Labour Commissioner-cum-Cess Assessor and Cess Collector in the office, prayer for interim relief/stay is still pending, causing hardship to petitioner(s), as the amount assessed in the impugned orders under Section 5 of the Act, would be recovered by respondents with penalty, despite filing the Appeal(s). Thus, petitioner(s) approached this Court seeking a direction to Appellate Authority i.e. Labour Commissioner, Uttarakhand, to consider and grant the prayer for interim relief/stay to petitioner(s) within stipulated time as prescribed by this Court.

5. Learned counsel for petitioner(s) submits that if such a direction is issued to Appellate Authority i.e. Labour Commissioner, Uttarakhand, the grievance of petitioner(s) would be redressed.

6. This fact is not disputed by learned counsel for



State and counsel for Uttarakhand Building and Other Construction Workers' Welfare Board.

7. Having considered the facts of the cases as put forward in the writ petitions and having gone through the impugned order, this Court is of the view that since the Appeals are pending disposal, a direction can be issued to Appellate Authority i.e. Labour Commissioner, Uttarakhand, to consider and decide the interim relief prayer of petitioner(s) in the Appeals expeditiously.

8. Accordingly, these writ petitions are disposed of. Appellate Authority i.e. Labour Commissioner, Uttarakhand, is directed to consider and decide the interim relief prayer of petitioner(s) made in appeal(s) expeditiously within a period not later than seven days from today.

9. Learned counsel for Uttarakhand Building and Other Construction Workers' Welfare Board made a submission before this Court that till the interim relief prayer of petitioner(s) is considered by the Appellate Authority, no recovery shall be made from the petitioner(s).

10. Pending application(s), in all writ petitions, stands disposed of.

11. Let a certified copy of this order be supplied to learned counsel for parties within 24 hours, as per Rules.

(Pankaj Purohit, J.)
15.10.2026

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