

**HIGH COURT OF UTTARAKHAND AT NAINITAL****Writ Petition Misc. Single No. 3261 of 2026****16 October, 2026**

Galwalia Ispat Udyog Private Limited

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-

Mr. Rohit Arora, learned counsel for the petitioner (appeared through V.C.).

Mr. Suyash Pant, learned Standing Counsel along with Ms. Ruchita Kandpal, learned Brief Holder for the State.

Mr. Hari Mohan Bhatia, learned counsel for respondent no.6/Uttarakhand Building and Other Construction Workers Welfare Board, Dehradun.
-----**Hon'ble Pankaj Purohit, J.**

Petitioner is 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-Construction Company is directed to pay the penalty and labour cess.

2. 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 appeal. A prayer has been made by petitioner for staying the operation and effect of the order impugned passed by learned Assistant Labour Commissioner in



appeal.

3. It is contended by learned counsel for petitioner 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, as the amount assessed in the impugned order under Section 5 of the Act, would be recovered by respondents with penalty, despite filing the Appeal. Thus, petitioner 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 within stipulated time as prescribed by this Court.

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

5. This fact is not disputed by learned counsel for the State and counsel for Uttarakhand Building and Other Construction Workers' Welfare Board.

6. Having considered the facts of the case and having gone through the impugned order, this Court is of the view that since the appeal is 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 in the appeal expeditiously.

7. Accordingly, the writ petition is disposed of. Appellate Authority i.e. Labour Commissioner, Uttarakhand, is directed to consider and decide the



interim relief prayer of petitioner made in appeal expeditiously within a period not later than seven days from today.

8. 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 is considered by the Appellate Authority, no recovery shall be made from the petitioner.

9. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)

16.10.2026

AK

AVNE
ET
KAUR