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

(17)

CNR No. DLHC010164492020

+ W.P.(C) 2991/2020 CM APPL. 11919/2020 CM APPL. 25409/2020
CM APPL. 11281/2021 CM APPL. 16268/2021 CM APPL. 410/2024
CM APPL. 67423/2024

SUNIL KUMAR ALEDIA

.....Petitioner

Through: Mr. Avi Singh, Senior Advocate with
Mr. Dhruv Malik, Mr. Rudraksh
Mathur and Ms. Aditi Gupta,
Advocates along with Petitioner-in-
person.

versus

GOVT. OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) with Ms. Rashi Aggarwal,
Advocate for R1 & 2.
Ms. Inderjeet Sidhu and Mr. Ashutosh
Dutta, Advocates for R4/DLSA.
Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Ms. Yashita Jain and Mr.
Sahil Bhaskar, Advocates for
R5/DUSIB.
Ms. Arunima Dwivedi, CGSC with
Ms. Himanshi Singh and Mr. Suman
Ghosh, Advocates for R6/UoI.
Mr. Shyel Trehan, Senior Advocate
with Mr. Chirayu Jain, Mr. Rohan
Poddar and Mr. Vragesh Gupta,
Advocates for Intervenor / NCC-CL.
Mr. Manu Chaturvedi, Standing
Counsel for MCD.
Ms. Risha Dixit, Advocate for Board.



(25)

CNR No. DLHC010425702026

+ **W.P.(C) 13120/2026**

**AARNA GUPTA (A MINOR), (REPRESENTED THROUGH HIS
NATURAL GUARDIAN AND FATHER) & ORS.Petitioners**

Through: Ms. Anisha Jain, Advocate.

versus

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI THROUGH ITS CHIEF SECRETARY
& ORS.Respondents**

**Through: Mr. Shiven Varma, Panel Counsel
GNCTD for R1 to 3.**

**Mr. Rohan Jaitley, CGSC with Mr.
Akshay Sharma, Mr. Varun Pratap
Singh and Mr. Yogya Bhatia,
Advocates for UoI.**

**Mr. Ashish K. Dixit, CGSC with Mr.
Umar Hashmi and Mr. Ayush Kumar,
Advocates for Ministry of Labour.**

**Ms. Risha Dixit, Advocate for
R4/Board.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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01.10.2026

1. These Petitions raise a serious concern about inadequate or even non-implementation of the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (“Act”).

2. The Parliament has recently enacted new labour laws. Section 164 of the Code on Social Security, 2020 repeals various enactments including the Building and Other Construction Workers’ Welfare Cess Act, 1996.



3. Section 143 of the Occupational Safety, Health and Working Conditions Code, 2020 repeals the Act.

4. It has been stated by learned Counsel representing the Petitioners that with the enactment of the Occupational Safety, Health and Working Conditions Code, 2020, a new statutory regime has been put in place to safeguard the interest of building and other construction workers and also for providing social security to them. These measures have statutorily been provided by enacting various provisions in the Occupational Safety, Health and Working Conditions Code, 2020 and the Code on Social Security, 2020. We have further been informed that the rules under the said Codes have also been framed.

5. Section 153 of the Code on Social Security, 2020 makes certain transitional provisions, according to which the Board constituted under Section 18(1) of the Act known as Building and Other Construction Workers' Welfare Board ("**Board**") shall continue to exercise the powers and discharge functions of the corresponding organisation created under the new enactments.

6. It has been stated at the Bar that by collecting cess from the builders, a corpus of something around ₹3,000 crores is available. However, on account of inadequate functioning of the authorities concerned, especially those of the Board, the said amount stands unutilised, as a result of which the beneficiaries under various enactments, namely, the construction and other workers, are deprived of their due.

7. Having regard to the fact that a new statutory regime has taken over, and also taking into consideration the fact that the corpus created for the benefit of the construction and other workers remains unutilised, we call



upon the Union of India and the Labour Department, the Labour Department of the State Government as also the Board to file fresh Affidavits giving details of the steps which have been taken to extend the benefits available to the construction and other workers.

8. While filing the Affidavits under this Order, the concerned authorities shall also state as to whether they have an action plan to extend the benefit out of the corpus collected in the form of cess. We further direct that in case no such action plan is in place, the same shall be prepared / enforced in alignment with the statutory requirements of the new labour laws.

9. We also direct that while registering the employers of the construction and other workers, all the requirements as per the new codes and rules thereunder shall be followed, which will include requiring the employer to furnish a list of the construction workers employed with them.

10. The Affidavits shall be filed within a period of four weeks from date. The Affidavits shall be served upon learned Counsel representing the Petitioners in both the Petitions in advance, who will have a week's time thereafter to file the Rejoinder Affidavits, if any.

11. We make it clear that in case the Affidavits, as required under this Order, are not filed or do not contain the requisite information for adjudication of the issues, which are engaging the attention of this Court in these matters, such inaction will be viewed seriously by the Court.

12. List on 18.11.2026. The matter be placed '*High on Board*'.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

OCTOBER 1, 2026/sms