

## HIGH COURT OF JUDICATURE AT ALLAHABAD

# SKV Law Offices Secures Stay of Proceedings Before the Allahabad High Court

**May 7, 2026, New Delhi:** SKV Law Offices successfully represented the leadership of a conglomerate before the Hon'ble High Court of Judicature at Allahabad, securing a stay on further proceedings of a complaint case instituted under Section 22A of the Minimum Wages Act, 1948, pending before the trial court in Noida.

## Background

An Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was filed on behalf of the applicant seeking quashing of the summoning order dated 11.09.2024, as well as the entire proceedings of the complaint case instituted under Section 22A of the Minimum Wages Act, 1948, pending before the trial court in Noida.

The complaint had been instituted by the opposite party No. 2 invoking Section 22A of the Minimum Wages Act, 1948, pursuant to which the trial court in Noida had taken cognizance and issued summons against the applicant.

## Submissions by SKV Law Offices

SKV Law Offices, on behalf of the applicant, contended that the complaint was not maintainable in law, as the company had not been arrayed as an accused, despite Section 22C of the Minimum Wages Act, 1948 expressly contemplating that where the offence is committed by a company, every person who, at the time the offence was committed, was in-charge of and responsible to the company for the conduct of its business, as well as the company itself, shall be deemed to be guilty of the offence and liable to be proceeded against and punished accordingly.

It was further submitted that no specific allegations had been raised against the applicant in the complaint, and that the trial court in Noida had taken cognizance and issued

summons mechanically, without due application of judicial mind. On these grounds, it was urged that the summoning order dated 11.09.2024 and the consequent proceedings were unsustainable, and that an interim protection by way of stay of further proceedings was warranted pending consideration of the application.

## Decision of the Hon'ble Court

By its order dated 05.05.2026, the Hon'ble High Court of Judicature at Allahabad, presided over by Hon'ble Mr. Justice Deepak Verma, observed that the matter requires consideration and till the next date of hearing, further proceedings of the complaint case instituted under Section 22A of the Minimum Wages Act, 1948, pending before the trial court in Noida, shall remain stayed.

## Significance

The order reaffirms the well-settled principle that prosecution of a director or officer for an offence under the Minimum Wages Act, 1948 cannot be sustained where the company itself, being the principal offender under the statutory scheme of Section 22C, has not been impleaded as an accused.

It also underscores that summoning in a criminal complaint is a serious matter that cannot be undertaken mechanically, and that cognizance taken without application of judicial mind, or in the absence of specific allegations against the proposed accused, is liable to interference. From the perspective of officers and directors of corporate entities, the order provides timely interim protection against continuation of proceedings instituted in disregard of the statutory framework.

**Team**

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Mr. G.S. Chaturvedi, Senior Advocate, along with Mr. Deeptiman Singh, appeared on behalf of the applicant. The matter was led by Mr. Shri Venkatesh, Founding Partner, assisted by Mr. Shryeshth Ramesh Sharma, Senior Partner, Mr. Abhishek Nangia, Counsel, Mr. Kunal Veer Chopra, Senior Associate, Mr. Nilesh Purohit, Associate, and Mr. Amol Rana, Associate, of SKV Law Offices, who appeared for the applicant.

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FOR FURTHER INFORMATION PLEASE CONTACT

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