

14.09.2026.
Item Nos. 37 & 38.
Court No. 13
ap

M.A.T. 326 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025
And
I.A. No. CAN 3 of 2025

Sri Mohan Lal Mullick
Versus
Basanti Cotton Mill Karmachari Samity (INTUC) & Ors.
With
M.A.T. 1340 of 2026
With
I.A. No. CAN 1 of 2026
And
I.A. No. CAN 2 of 2026
Rabin Majumder & Ors.
Versus
Basanti Cotton Mill Karmachari Samity (INTUC) & Ors.

Mr. Srijib Chakraborty,
Mr. Sobhan Majumder,
Ms. Kalpita Paul.

...For the appellant in MAT 326 of 2025.

Mr. Tanmoy Mukherjee,
Mr. Rudranil Don,
Ms. Utsa Dutta,
Ms. Kalpita Paul.

...For the appellant in MAT 1340 of 2026.

Mr. Nirmalya Dasgupta,
Mr. Debasish Kundu.

...For the respondent nos.1 to 4.

Mr. Abhratosh Majumdar, Id. Sr. Advocate,
Mr. Sankarsan Sarkar,
Mr. Aditya Kanodia,
Mr. Rishabh Karnani,
Mrs. Shreya Trivedi.

..For the respondent nos.9 & 10.

Mr. Abhishek Banerjee,
Ms. Parna Roy Chowdhury,
Mr. Arun Kumar Mishra,
Mr. Santanu Mishra.

...For the applicant
/intervenor in CAN 3 of 2025

1. These appeals are directed against the judgment and order dated 5th February, 2025 as corrected on 19th February, 2026 passed in W.P.A. 25137 of 2023.

2. The writ petition was filed seeking to enforce a settlement between the workmen of one Basanti Cotton Mill Limited. By a Scheme of Arrangement and Amalgamation, Basanti Cotton Mill Limited was merged into the respondent no.9, namely, M/s. Swan Energy Limited.

3. By the said Memorandum of Understanding, M/s. Swan Energy Limited along with its associate one M/s. Aravali Enclave Private Limited had agreed to pay the dues of the workmen against control of certain lands and immovable properties of the Company.

4. Mr. Majumdar, learned Senior Advocate submits that his clients, the respondent nos.9 and 10, had paid statutory dues of the workmen for about four Crores and that the possession of the immovable property was always with his client.

5. In an earlier proceeding in W.P. 17572 (W) of 2009, another Single Judge of this Court, had to expedite payments to the workmen, directed a Special Officer to be appointed and effect disbursement.

6. This Court is surprised to note that as to how the writ petitions were at all entertained by the Single Benches. Any unpaid dues of the workmen are required to be agitated under appropriate Fora under the Industrial Disputes Act, 1947. Any settlement that the workmen had entered into with the Management are also required to be recorded in conciliation proceedings before the Conciliation Officer under the

aforesaid Act of 1947 to the extent of the workmen's claims. The procedure prescribed under the Act of 1947 is required to be followed by either parties. Once settlement is entered into, the same can be enforced under Section 33C of the Act of 1947.

7. Bypassing the aforesaid mandatory and available statutory remedies, the writ petition could not have been entertained in the first place by the Single Bench.

8. There are several other civil disputes with regard to ownership of land and the factory of M/s. Basanti Cotton Mill Limited. While it is true that same issue with regard to title, ownership and transfer thereof were featuring is part of the MOU, the workers cannot be concerned with the same or create any rights thereunder in favour of the parties.

9. Any disputes or differences between any of the rival parties with regard to the land and immovable property of M/s. Basanti Cotton Mill Limited is required to be adjudicated by a Civil Court, since admittedly, the Company, Basanti Cotton Mill Limited is not in liquidation.

10. In the light of the aforesaid discussions and reserving liberty to the parties to approach statutory and civil fora as indicated hereinabove, the impugned orders passed by the learned Single Judge of this Court dated 5th February, 2025 and 19th February, 2025 in W.P.A. 25137 of 2023 shall stand set aside.

11. It is made absolutely clear that this Court has not pronounced upon any of the rival claims agitated by the parties. All questions are left open for the civil and statutory fora to be decided in accordance with law.

12. This Court is not inclined to entertain the application for leave to appeal in M.A.T. 1340 of 2026. The same shall stand dismissed.

13. Consequently, the pending applications for intervention, leave to appeal or stay application shall also stand dismissed.

14. With the aforesaid observations, M.A.T. 326 of 2025 is disposed of.

15. There will be no order as to costs.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)