

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.455 of 2026

Decided on: 07th August, 2026

Group of workers of M/s Mondelez
India Foods Pvt. Ltd.

...Appellant

Versus

M/s Mondelez India Foods Pvt. Ltd.

...Respondent

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the appellant : Mr. Nishant Khidta, Advocate.

For the respondent : Mr. Vinay Kuthiala and Mr. Balram Sharma
Senior Advocates with Mr. Rahul Mahajan
and Mr. Arhant Mahajan, Mr. Jyotirmay
Bhatt and Mr. Aman Talwar, Advocates.

G.S. Sandhawalia, Chief Justice (Oral)

The consideration in the present Letters Patent Appeal is to the order dated 31.07.2026, whereby the learned Single Judge as such has adjourned the proceedings and directed the respondent to file reply positively by the next date i.e. 25.08.2026.

2. The challenge before the learned Single Judge as such was to the notice dated 05.06.2026 (Annexure P-26), whereby the company as such intended to close down the Bournvita line part of Unit-1 Baddi plant w.e.f. 04.08.2026. The detailed "Statement of Reasons" was also given regarding the 122 regular employees

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

working on the said line and the decline in demand of the said product from the year 2021 onwards. It was accordingly noticed that there was a Voluntary Retirement Scheme introduced in November, 2024 and January, 2025 and there was a financial burden amounting to Rs.17 crores regarding the workers as such and the cumulative non-productive expenditure borne by the company was at a staggering Rs.34 crores for idle workers. The company was left with no sustainable operational, financial or legal alternatives and as such was compelled to terminate the employment of the said workers.

3. Apparently, the said proceedings are the subject matter of challenge before the Labour Court-cum-Industrial Tribunal, Shimla, H.P., by filing a petition under Section 33A of the Industrial Disputes Act, 1947 and Section 91 of the Industrial Relations Code, 2020 and as such the Labour Court had passed separate orders dated 22.07.2026 (Annexure P-36). Accordingly, an application under Order 14 Rule 2 read with Section 151 CPC was decided, directing that the issue of maintainability be framed first as to whether there was any contravention of the provisions of Section 33 of the Act. Similarly, another application was decided whereby the interim relief was declined by *prima facie* holding that the establishment's right to closure would have to be weighed as such with the rights of the workmen, while framing the issue also,

whether the complaint as such was maintainable and directing the parties to lead evidence, if so required.

4. It is not disputed that there are two writ petitions earlier filed i.e. CWP No.12652/2025 and CWP No.5127 of 2026, pertaining to the earlier issues of lay-off, arising out of the order dated 09.05.2025 and the review order dated 23.07.2025 (Annexure P-18). Similarly, in an earlier proceeding under Section 33A, which was arising out of the notice dated 24.06.2025 (Annexure P-13), an order had been passed to treat it again as a preliminary issue by the Labour Court, which is also the subject matter of challenge in CWP No.5127 of 2026.

5. The pleadings having not been completed, in the present case and we are of the considered opinion that the insistence as such at this stage for interim relief by the workmen as such is without the factual matrix having been cleared and cannot be claimed as a matter of right.

6. The maintainability of the present appeal as such would also be a question against the workmen as such in view of the law laid down in ***Midnapore Peoples' Coop. Bank Ltd. and others v. Chunilal Nanda and others***, (2006) 5 SCC 399, wherein it has been held that routine orders which are passed to facilitate the progress of the case, till its culmination in the final judgment and orders which may cause some inconvenience or prejudice but do

not finally determine the rights and obligations, are not liable to be challenged by way of filing a Letters Patent Appeal.

7. In such circumstances, keeping in view the cumulative background as such, we are of the considered opinion that since the learned Single Judge has already directed that the reply be filed positively, we do not find it appropriate to pass any order for interim relief, since the matter is already pending adjudication in three rounds of litigation.

8. Needless to say, whatever we have observed in the present order, is only for the purpose of deciding the present appeal, keeping in view the background of the case and would not prejudice the findings of the learned Single Judge, in any manner, while passing any interim order thereafter.

9. Keeping in view the above observations, the appeal is accordingly dismissed. Pending application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

07th August, 2026

(ankit)

(Jiya Lal Bhardwaj)
Judge