

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.10651 OF 2013 IN
LETTERS PATENT APPEAL ST.NO.29716 OF 2012 IN
WRIT PETITION NO.2534 OF 2011

Raosaheb s/o Karbhari Dhakne
and others

Petitioners

Versus

Maharashtra State Financial
Corporation, Aurangabad & another

Respondents

Mr.N.P.Bangar, advocate for petitioners.
Mr.Mohan Korde, advocate holding for Mr.P.V.Tapse Patil, advocate
for Respondent No.1.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 09th July, 2015

PER COURT:

This is an application seeking condonation of delay of 188 days occurred in presenting instant Letters Patent Appeal.

Heard. For the reasons stated in the application, application deserves to be allowed and same is accordingly allowed. Delay of 188 days occurred in presenting instant Letters Patent Appeal stands condoned.

Civil application is disposed of.

**P.R.BORA
JUDGE**

adb/ca1065113

**R.M.BORDE
JUDGE**

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Appellants

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Corporation, Aurangabad & another

Respondents

Mr.N.P.Bangar, advocate for appellants.

Mr.Mohan Korde, advocate holding for Mr.P.V.Tapse Patil, advocate
for Respondent No.1.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 09th July, 2015

PER COURT:

1 Appellants herein were employees of Respondent No.2-
Mauli Pipes Private Limited. According to appellants, their wages
for the work done, which are legally recoverable dues, are to be
satisfied by Respondent No.2-employer. The Maharashtra State
Financial Corporation is the financing agency which has extended
loan to Respondent No.2, employer of appellants. It does appear
that since Respondent No.2-employer committed default in
payment of loan amount, the Maharashtra State Financial
Corporation took over possession of the factory.

2 Appellants initiated proceedings under Section 33-C(2)
of the Industrial Disputes Act, 1947, against the employer as well
as financial agency and the application seeking recovery of the

amount has been allowed by the Industrial Court.

3 The Maharashtra State Financial Corporation approached this Court by presenting Writ Petition No.2534 of 2011, claiming that the financing agency is not employer of the appellants and as such, application under Section 33-C(2) of the Industrial Disputes Act, is not liable to be entertained against the financing agency.

4 Learned Single Judge has accepted the said contention put forth by the financing agency.

5 We have perused the order passed by learned Single Judge. Admittedly, Maharashtra State Financial Corporation is not employer of the appellants and as such, is not answerable under Section 33-C(2) of the Industrial Disputes Act. The view taken by the learned Single Judge is reasonable and proper. It is open for appellants to avail of alternate remedies available in law for enforcing recovery against the employer. The appeal is devoid of substance.

6 Letters Patent Appeal stand dismissed. Pending Civil Application does not survive and stand disposed of.

P.R.BORA
JUDGE

adb/ca1065113

R.M.BORDE
JUDGE