

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 10558 of 2015

M/s.D.J.Industries & ors

.. Petitioners

Vs.

Bharti Hemant Raut & ors.

.. Respondents

Mr.Yogendra Pendse, for Petitioners.

M/s Jane Cox a/w Mr.M.A.Amonkar, for the Respondent No.1 to 10.

Mr.A.D.Kango-Assistant Government Pleader, for Respondent No.11

CORAM: N.M.Jamdar, J.

Wednesday 2 December, 2015

P.C. :

The Petitioners challenge the order passed by the Authority appointed under the Minimum Wages Act, 1948 dated 22 September 2015 condoning the delay of two years in filing the application by the Respondents.

2. The learned counsel for the Petitioners submitted that there is no employer-employee relationship and while granting the application for condonation of delay the Court has stated that there is no evidence and only on the affidavit of the Respondents on sympathetic consideration, delay has been condoned.

3. In support of the application for condonation of delay the Respondents have filed their affidavit indicating that the averments

made in the application are by verification. In the said application the Applicants have stated the cause for delay as they were attempting to get redressal from the other authorities and the employer. In the reply filed by the Petitioners, the application is contested on the merits of the matter. The Court was entitled to consider the application for condonation of delay on the basis of the affidavits. In the facts and circumstances and in the equitable nature of the writ jurisdiction, it is not necessary to interfere with the impugned order. It is however clarified that merely because the authority has decided to consider the matter on merits, the argument of the Petitioners that the Respondents have approached the authority with delay and latches and therefore they are precluded from any relief, is not concluded and it is open to the Petitioners to urge the same at the time of hearing of the application, on its own merits.

4. In view of this clarification, no further orders are required to be passed. Writ petition is accordingly disposed of. All contentions of the parties on merits are kept open.

(N.M.Jamdar, J.)