

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9555 OF 2015
WITH
WRIT PETITION NO.9556/2015
WITH
WRIT PETITION NO.9564/2015
WITH
WRIT PETITION NO.3407/2016
WITH
WRIT PETITION NO.3408/2016
WITH
WRIT PETITION NO.10217 OF 2016

M/S UNITED BREWERIES LIMITED AURANGABAD THROUGH ITS
AUTHORISED SIGNATORY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Dankh Sachin V.
AGP for Respondent /State : Smt.Vaishali Jadhav-Patil.
Advocate for Respondents 2 and 3 : Shri P.P.Mandlik.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th October, 2016

Per Court:

1 I have heard the learned Advocates for the respective sides and have gone through the orders passed by this Court on the previous occasions in these matters. 50% of the assessed amount in each of these petitions have been deposited in this Court by the Petitioner/Establishment.

2 Considering the order that I intend to pass, I do not think it necessary to advert to the entire submissions of the learned Advocates for the respective sides. Suffice it to say that the issue of an opportunity of hearing and proper calculations of the purported legal dues, needs to be revisited.

3 In my view, I deem it appropriate to remit the the matter to the Aurangabad Mathadi and Unprotected Labour Board so as to enable the Petitioners to tender their Written Say as well as the documents if any and in order to cause a hearing in the matter afresh so as to enable the Board to recalculate the amounts that have been assessed towards the unpaid dues of wages, levy and 10% tax under the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

4 Considering the above, all these petitions are disposed of by setting aside the impugned orders of recovery in each of these petitions and the matters are remitted to the Aurangabad Mathadi and Unprotected Labour Board as noted above for a rehearing on the following conditions:-

- (a) The litigating sides shall appear before the Board on 02.12.2016.

- (b) Considering the fact that this matter is between the Petitioners and the Board, an opportunity of hearing would be extended to the Petitioners.
- (c) Unconnected persons and the persons who are not members of the Board, shall not be permitted to be a part of such hearing.
- (d) The Petitioners are at liberty to submit their written say with all such documents on which they intend to place reliance and assist the Board to decide the issue after giving a reasonable opportunity of hearing to the Petitioners.
- (e) The Board shall endeavour to decide the issue as expeditiously as possible and preferably on or before 28.02.2017.
- (f) Notwithstanding the decision of the Board pursuant to the said hearing, the amounts deposited in this Court shall not be permitted to be withdrawn by any of the litigating sides till 31.03.2017.
- (g) The Registry of this Court shall invest the deposited amounts with regard to each of these Petitioners with the nationalized bank initially for a period of six months.
- (h) Needless to state, the orders that would be passed by the Board after hearing the Petitioners, would be subject to the

legal rights of the litigating sides.

- (i) Needless to state, the amounts deposited in this Court would then be apportioned with regard to the dues as would be freshly assessed. The litigating sides would be at liberty to move this Court for such apportionment and withdrawal of amount.

kps

(RAVINDRA V. GHUGE, J.)