

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

WRIT PETITION (ST) NO.8235 OF 2016

M/s Saint Gobain India Pvt. Ltd. ... Petitioner
Versus
The Secretary, Akhil Bhartiya Mathadi
Transport And General Kamgar Union & Others ... Respondents

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Mr. Nutan Rajan Patankar a/w Prabhakar Jadhav for the Petitioner.
Mr. A.K. Jalisatgi for Respondent No.1.
Mr. B.S. Mahamulkar and Mr. Rahul D. Oka for Respondent No.2.
Mr. V.P. Sawant for Respondent No.3.

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CORAM : S.C.GUPTE, J.

DATE : 6 APRIL 2016.

P.C. :

. Heard the learned Counsel appearing for the parties. Petition is disposed of by consent of the parties, in terms of the following order.

: O R D E R :

A} The impugned orders of the Industrial Court at Thane dated 15 February 2016 and 9 March 2016, are set aside;

B} The Industrial Court at Thane shall decide the Interim Application of the Complainant/Union after taking into account all objections raised by Respondent No.1 (Petitioner and Respondent No.3 herein) to the jurisdiction of the Industrial Court, including the question of locus-standi of

the Complainant/Union and the privity of the contract as between the employees whom the Union represents and Respondent No.1 (Petitioner and Respondent No.3 herein). The Industrial Court shall take a prima facie view on all these objections whilst deciding the application for interim relief. The Industrial Court shall dispose of the interim application within a period of four weeks from today.

C} All rights and contentions of the parties on merits of the application for interim reliefs, including the various objections to the jurisdiction of the Court are kept open. It is clarified that whilst passing this order, this Court has not taken any view on these objections.

(S.C.GUPTE, J.)