

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION STAMP NO.31938 OF 2016
IN
WRIT PETITION NO.12790 OF 2016**

M/s. Oil & Natural Gas Corporation Ltd.	..Petitioner
Versus	
The Regional Labour Commissioner, (Central) Bombay and others	..Respondents

**Mr. S. K. Talsania, Senior Advocate a/w Mr. Subhash Bhalwal, Mr. Viraj Kandpile i/by Vyas & Bhalwal for the Petitioner.
Mr. S. Mishra Respondent No.2 present in person.
Mr. M. S. Bhardwaj a/w Mr. A. M. Sethna for the Respondent Nos.1 & 4.**

**CORAM : R. M. SAVANT, J.
DATE : 23rd NOVEMBER, 2016**

PC.

1 By the above Review Petition, review of the order dated 26.10.2016 passed in the above Writ Petition is sought. The review is sought on the ground that the Petitioner is now in possession of contemporaneous record to indicate that the persons who were employed in place of the contract workers who had been transferred have actually been paid by the contractor. The Learned Senior Counsel appearing on behalf of the Petitioner seeks to rely upon a compilation of documents in that regard. The orders passed by the Competent Authority as well as the Appellate Authority under the Payment of Wages Act have been confirmed by this Court by the order dated 26.10.2016 and whilst confirming the said order this Court has adverted to the report of the

Inspector Shri. D. S. Jadhav who was directed to visit the place of work of the said six workmen who were employed through the contractor. In the said report, it has been recorded that the workmen have been on the duty in the premises of the Petitioner during the relevant time i.e. April 2014 to December 2014. It is also on the basis of the said report that the said order dated 26.10.2016 dismissing the above Petition came to be passed.

2 The material which is now sought to be placed before this Court and on the basis of which review is sought was neither produced before the First Authority i.e. the Competent Authority under the Payment of Wages Act nor the Appellate Authority i.e. the Learned Judge of the Small Causes Court whilst they adjudicated the matter nor the said material was produced before this Court at the time of hearing of the above Writ Petition for admission. The said material was also not brought before the Inspector who was directed to conduct a fact finding enquiry. In my view, therefore the said material cannot be permitted to be relied for the first time and review sought on the said basis. In that view of the matter, no case for review under any of the eventualities mentioned in Order 47 of the Civil Procedure Code is made out. The Review Petition is accordingly dismissed.

[R.M.SAVANT, J]