

Heard learned Counsel for the parties. The petition challenges an order of the Industrial Court, Solapur on a miscellaneous application for condonation of delay caused in filing an application for restoration of a complaint under the MRTU and PULP Act. The complaint was of the year 1990 and was dismissed for default on 22 October 1996. The restoration application appears to have been made on 27 December 2010, i.e. nearly after 14 years of the dismissal of the complaint. The application was rejected by the Industrial Court on two grounds. Firstly, it was held, that there was no power with the court to condone such delay. For arriving at this conclusion, the Industrial Court relied on a judgment of a learned Single Judge of this Court in the case of **Chief**

Officer, Karmala Nagar Parishad, Karmala, Dist. Solapur vs. Chandrakant Maharudra Sarwade¹, which judgment itself is based on a judgment of a learned Single Judge of this Court in the case of **Dilip Vithalrao Jogdand vs. Vaidyanath Urban Co-operative Bank Ltd.²** and a judgment of a Division Bench of our court in L.P.A. No.3/2004 in Writ Petition No.631/2003. These judgments hold that the scheme of Section 31 of the MRTU and PULP Act, 1971 and particularly, sub-section (2) therein, which enables the aggrieved party to file an application for restoration within a period of thirty days, does not provide for any power with the court to condone the delay in filing such application on the lines of the power conferred under Section 30 of that Act. Secondly, it is held that there is no case made out for explaining the filing of the restoration application after such long delay. The reasons appear to be proper and adequately justified by the record of the case. There is no merit in the writ petition and the same is summarily rejected.

(S.C. Gupte, J.)

¹ WP 3024-2007 decided on 1.8.2007

² 2007 II CLR 78