

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1855 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. S. M. Shettigar for the Petitioner.

Mr. Arshad Shaikh i/b Prashant Goyal for Respondent No.1.

Mr. Amar Mishra, AGP for Respondent No.2.

CORAM : K. K. TATED, J.

DATED : 22/11/2016

PC.:

. Heard learned Counsel for the parties.

2 By this petition, under Article 226 of the Constitution of India, the petitioner is challenging the Award dated 16.05.2013 passed by the learned Industrial Tribunal in Reference (IT) No. 26 of 2012 and recovery certificate dated 27.10.2014 issued by the Asst. Commissioner of Labour, Mumbai.

3 It is the contention of the petitioner that without any notice in the reference, the Industrial Court passed the impugned award. He submits that their establishment was closed on 31.10.2011. In support of this contention, the learned counsel for the petitioner relies on letter dated 29.12.2011 addressed to the Regional Provident Fund

Commissioner, New Bombay, letter dated 03.01.2012 addressed to the Regional Director, ESI Corporation, Mumbai, letter dated 15.06.2012 addressed to the Senior Inspector of License ME Ward, Mumbai Municipal Corporation and order of cancellation of Assessment Order passed under Sub-Section (1) of Section 23 of the Maharashtra Value Added Tax Act, 2002 dated 15.10.2012.

4 After arguing for some time, the learned counsel for the petitioner submits that petitioner may be permitted to withdraw the present Writ Petition with liberty to file appropriate application before the Labour Court with application for condonation of delay. To that effect, he has given in writing on farad. Same is taken on record and marked 'X' for its identification.

5 The learned counsel for the petitioner submits that the Respondent may be restrained from taking any coercive action pursuant to the ex-parte award dated 16.05.2013 and recovery certificate dated 27.10.2014 till the hearing of application if any filed by the petitioner before the Labour Court.

6 The learned counsel for the Respondent submits that they already filed Writ Petition No. 344 of 2016 for directing Authorities to implement the recovery certificate dated 27.10.2014. He submits that for 15 days from today, they will not proceed

with Writ Petition No. 344 of 2016. Statement is accepted.

7 Writ Petition stands disposed of as withdrawn.
No order as to costs.

8 All contentions of both the parties on merits as well as limitation point are kept open.

(K.K.TATED, J.)