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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (L) No.2233 OF 2016

***A.D.M. Agro Industries Kota
& Akola Pvt. Ltd.***

....Petitioner

Vs.

***The Secretary to the Government of
Maharashtra Industries,
Energy and Labour Department & Anr.***

....Respondents

Mr. Pradeep Sancheti, Senior Counsel a/w. Mr. Amaya Gokhale
a/w. Meghna Rajadhyaksha i/b. Amaya Gokhale for the Petitioner
Mr. Abhay Patki, Additional Government Pleader for Respondent
-State.

Mr. N.D. Thorve, Section Officer, Labour Department present.

***CORAM : V. M. KANADE &
Mrs. SWAPNA S. JOSHI, JJ***

DATE : SEPTEMBER 28, 2016

P.C. :

1. Heard Shri Sancheti, learned Senior Counsel appearing on
behalf of the Petitioner, the learned Additional Government
Pleader appearing on behalf of the State.

2. The Petitioner is a Private Limited, incorporated under the
provisions of the Companies Act, 1956 and is primarily engaged in
the business of manufacturing, extraction, refining and trading

edible oils from oil seeds.

3. The Petitioner filed an application under section 25-O (5) of the Industrial Disputes Act, 1947 for closing down the oil industry. This application was preferred on 6th October, 2015. The said application, filed by the Petitioner, however, was rejected by order dated 7th October, 2015. The Petitioner, then filed a review application, seeking review of the order dated 7th October, 2015 under section 25-O (5) of the Industrial Disputes Act, 1947.

4. The grievance of the Petitioner is that though this application is to be decided within 30 days, it has not been decided so far. He submitted that since permission for closure remains in operation for a period of one year. The said period would be over on 6th October, 2016 and the Petitioner will again have to file a fresh application. He submitted that a direction may be given to the Respondents to make a reference of the said application to the Industrial Court under the Industrial Disputes Act. He invited our attention to the judgment of the Apex Court in the case of **Orissa Textile & Steel Ltd. v. State of Orissa and Others [(2002) 2 Supreme Court Cases 578]** and more particularly, paragraph 16 of the said judgment. He submitted that the Supreme Court has

held that the appropriate government acts in a quasi judicial capacity while entertaining an application under section 25-O (5) of the Industrial Disputes Act. He, therefore, submitted that since the Respondents still have not decided the review petition, they may be directed to make a Reference to the Industrial Court.

5. On the other hand, Shri Patki, the Learned AGP for the State, after taking instructions, submitted that review application would be decided before 6th October, 2016 by the appropriate Government. He submitted that so far as the decision in respect of review application or make a Reference vests with the appropriate Government and, therefore, this Court may not give a direction at this stage to the appropriate Government.

6. After having heard both the learned counsel at length, we are of the view that even the statement made by the Learned Additional Government Pleader, after taking instruction, that the review application would be decided before 6th October, 2016, we are of the view that at this stage, it will not necessary to pass an order of a Reference.

7. We, therefore, decline to entertain this petition at this stage. We, however, direct the appropriate Government to decide the review application after giving hearing to the Petitioner. Writ petition is disposed of in the aforesaid terms.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.

Vaishali Tikam