

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 12445 OF 2017

Aditya Goenka

... Petitioner

Versus

Shri. Sanjay C. Rathod

... Respondent

Mr. Vijay V. Nene for the Petitioner.

Mr. Shailendra S. Kulkarni for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 4th DECEMBER, 2017

P.C.:

1. Heard the Learned Advocates appearing for the parties. Following order is passed, by consent :-

(a) The impugned order passed by the First Labour Court, Nashik in Miscellaneous Application (IDA) No.01 of 2016 in Reference (IDA) No.44 of 2013, dated 11th September, 2017 is set aside.

(b) The First Labour Court, Nashik shall, after considering the submission of the Petitioner that a copy of the Award was received by the Petitioner only on 29th December, 2015 and an Application for restoration was filed within one month from that day viz., 20th January, 2016 and after taking into consideration, Rule 26(2) of the Industrial Disputes (Bombay) Rules, decide Miscellaneous Application (IDA) No.01 of 2016, afresh within a period of two weeks from the date of this order.

(c) All contentions of the parties are kept open.

(d) The parties and/or their Advocates shall appear before the First Labour Court, Nashik on 5th December, 2017 at 11.00 a.m. and obtain necessary directions in the matter.

(e) Until the Court decides the Application, the execution proceedings shall remain stayed.

(f) All concerned to act on an ordinary copy of this order duly authenticated by the Personal Assistant of this Court.

2. The above Writ Petition is accordingly disposed off.

(S.J.KATHAWALLA, J.)