

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY**O.O.C.J.**WRIT PETITION NO.1236 OF 2017*

The Mumbai Diamond Merchants Association

and anr

.. Petitioners

VS

Vijay Devshankar Dave

.. Respondent

Mr.V.P.Vaidya I/b Mr.M.M.Agavekar for Petitioners

Mr.Vijay Devshankar Dave Respondent appears-in person

present in Court

*CORAM : PRASANNA B.VARALE, J**DATE : 7 AUGUST 2017.***P. C.**

1. The learned counsel for the Petitioners invited my attention to the order passed by this Court dated 1 August 2016. The learned counsel then submitted that in the earlier round of litigation, the matter reached to the Hon'ble the Apex Court and he invited my attention to the order passed by the Hon'ble the Apex Court on 11 December 2009. The learned counsel then submitted that on a remand of the matter to the learned President, Industrial

Court, the learned President allowed the Complaint (ULP) No.373 of 2010 partly. The learned President recorded his findings that the Complainant is entitled to a sum of Rs.3,06,671/- along with interest at the rate of 9% p.a. The learned counsel submitted that the findings recorded by the learned President was on the basis of a document namely C-25. The submission was that even in the said document which was relied on by the learned President, an amount of Rs.1,09,297/- was shown to be paid to the Respondent-Complainant. The learned counsel then submitted that even in the statement of the Respondent, the Respondent admits that he had received an amount of Rs.1,09,297/-. As such, the only limited controversy raised by the Petitioner was in respect of the amount arrived at by the learned President to the tune of Rs.3,06,671/-. It was the submission of the learned counsel for the Petitioner that the Petitioner would be entitled to pay at the most an amount of Rs.1,41,000/- to the Respondent.

2. The Respondent-Shri Vijay Devshankar Dave who is present in this Court submits that he is not willing to contest the matters due to his advanced age and if the Petitioners are ready to

pay an amount over than Rs.1,41,000/- and preferably an amount of Rs.2,00,000/- as against the order passed by the learned President, he is willing to withdraw the further proceedings initiated by him in the nature of a criminal complaint and if such an amount is paid, the order of the learned President, Industrial Court is satisfied, would be his submission.

3. The learned counsel for the Petitioners on instructions submits before this Court that the Petitioner is ready to pay an amount of Rs.2,00,000/- to the Respondent as a full and final settlement in the matter. The learned counsel for the Petitioner submits that the amount would be paid to the Respondent by way of a Pay Order and the same would be handed over to the Respondent by Friday I.e.before **11 August 2017**. The Petitioner would obtain a receipt and endorsement of the Respondent in respect of acceptance of the Pay Order and same be filed in this Court before **15 August 2017**. As the Respondent is ready to settle his claim by accepting Rs.2,00,000/- as an amount for a full and final settlement of his claims and as the Petitioner gave an undertaking to this Court that the amount would be paid to the Respondent by **11 August 2017** in

my opinion, no further order is required to be passed in this Petition.

4. Against an order of recovery of costs, certain proceedings were filed by the Respondent before the Appellate Authority under the Payment of Gratuity Act, the Respondent submitted that the said proceeding was dismissed with costs. Learned counsel for the Petitioner on instructions makes a statement that the Petitioner would not insist for costs.

5. The Respondent makes a statement before this Court that he would withdraw all the proceedings initiated by him including the criminal complaint. Statement is accepted.

6. Petition is disposed of in above terms.

(PRASANNA B.VARALE,J)