

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

WRIT PETITION NO. 2523 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.K. Talsania, Senior Advocate a/w Mr. Agnel Carneiro i/b M/s. Mulla & Mulla & CB&C for the Petitioner.

Mr. Ashok Shetty for the Respondent.

**CORAM : K. K. TATED, J.
DATED : 16/01/2017**

P.C.:

. Heard learned Counsel for the parties.

2 By this petition under Article 226 of the Constitution of India the Petitioner challenges the order dated 08.05.2015 passed by the Labour Court, Mumbai on Preliminary Issue in Complaint (ULP) No. 99 of 2008 holding that the appropriate government in respect of the petitioner hospital is State Government.

3 During the Course of arguments of the present Writ Petition, the petitioner placed on record compilation of documents from pages 1 to 132. On 09.01.2017, this Court adjourned the matter to enable the Advocate for the Respondents to take instructions whether Respondents are ready and willing to admit

these documents.

4 Today the learned counsel for the Respondents submits that Respondents are not admitting these documents. He submits that the petitioners have to prove these documents according to law.

5 In the present proceeding, at the time of deciding the preliminary issue by order dated 08.05.2015, the Labour Court in paragraph 7 of the impugned order recorded that the petitioner relied on agreement between the Government of India and Sir Dorabji Tata Trust which was entered into between them on 06.01.1996.

6 Considering the fact that the Respondents disputing admission of some other documents produced by the petitioner, it is necessary in the interest of justice to remand the matter to the Trial Court with liberty to both the parties to lead additional evidence, if they so desire to prove the documents i.e. compilation of documents from page 1 to 132 and certificate dated 10.07.2015 issued by Under Secretary (R & D-II) Department of Atomic Energy, Government of India (Exh.A) page 25 to the present petition.

7 Considering these facts, following order is passed:

a) The impugned order dated 08.05.2015 passed by the Labour Court, Mumbai

on preliminary issue in Complaint (ULP) No. 99 of 2008 is set aside.

b) Matter is remanded to the Labour Court Mumbai to decide the preliminary issue by permitting the parties to lead additional evidence on the basis of documents as stated hereinabove.

c) Liberty granted to both the parties, if they so desire to place on record the additional documents before the Labour Court and same to be proved according to law.

d) The Labour Court is directed to decide the preliminary issue afresh after considering the documents, if any, placed on record by the parties.

e) Hearing on the preliminary issue is expedited.

f) Writ Petition stands disposed of with these directions.

(K.K.TATED, J.)