IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO.201 OF 2017

Aadhar General Kamgar Union,
Near Hotel Panchashil, at Supa,
Tq.Parner, District Ahmednagar,
through its President. Applicant

Versus

01 Aam India Manufacturing
Corporation Pvt. Ltd.,
Gat No.787, Village Hunga,
Tq. Parner, District Ahmednagar,
through its Managing Director.

02 Hungeshwar Industrial Services,
House No.1, Gram Panchayat Road,
Burunjwadi, Tq. Shiru, Dist.Pune.

03 Atharv Facility Management
Services, Office No.6, First Floor,
Sukhwani Chambers, Station Road,
Pimpri, Pune, through its Proprietor. Respondents

Mr.P.V.Barde, advocate for the applicant.
Mr.Yugant Marlapalle, advocate for for Respondent No.1.

CORAM : M.S.SONAK, J.
DATE : 05th February, 2018.

ORAL JUDGMENT :

1 This is a Revision Application under Rule 5, Chapter V of the Bombay High Court Appellate Side Rules, 1960, against order dated 21.09.2017, made by the learned Taxing Officer in Writ Petition Stamp No.15212/2017, requiring the petitioner to pay deficit court fees of Rs.13,000/-, on the basis that each of the

members of the Union, who are likely to benefit from the orders made in this petition, are required to pay separate sets of court fees.

2 In virtually identical circumstances, learned Single Judge of this Court, by his order dated 24.01.2017 in Writ Petition No.1627/2015, made following order:

> "In my view, it is trite law that an Industrial Dispute can be raised by a Union on behalf of it's workmen including a Wage Revision Demand or a demand for arriving at long term benefits settlement. Award of the Industrial Tribunal would bind all the workmen in the light of Section 18(1) and/or Section 18(3) of the Industrial Disputes Act, 1947, irrespective of the number of workmen working in the establishment. As per the Industrial Disputes Act and the Industrial Disputes (Bombay) Rules, 1957, such an award can be made enforceable by impleading other industries in the reference proceedings.
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> In the above backdrop, the petitioner is to be treated as a single entity, which has already deposited court fees of Rs.250/-. Considering the above, I do not find that there are any deficit court fees to be recovered from the petitioner.
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> As such, the objection raised is overruled.

Since, there is no material difference in the facts and circumstances as obtained in Writ Petition No.1627 /2015 and the present matter, following the order dated 24.01.2017, the order made by the learned Taxing Officer on 21.09.2017 will have to be set aside and it will have to be held that the writ petition filed by the Union has been properly stamped.

This Civil Revision Application is, therefore, allowed in the aforesaid terms. There shall be no order as to costs.

M.S.SONAK
JUDGE

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