

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION**

WRIT PETITION NO.13173 OF 2017

Emerson Network Power (Pune) Pvt. Ltd. ... Petitioner
Versus
Shri Sidram Genba Landage ... Respondent

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Mr. S.K. Talsania, Senior Advocate I/b Rahul D. Oak And Mr. Pramod Anaokar for the Petitioner.

Mr. Vaibhav R. Gaikwad for Respondent No.1.

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CORAM : S.C.GUPTE, J.

DATE : 25 JUNE 2018

P.C. :

. This petition challenges an order passed on a Misc. Application of the Respondent in a complaint of unfair labour practices made by the Respondent before the Industrial Court at Satara. The complaint concerned closure of the Petitioner's undertaking. The Misc. application sought inspection and copies of various documents. The impugned order grants several items from out of the documents demanded by the Respondent herein. The items are indicated in the list annexed as Exhibit "B" to the petition.

2 After the matter is heard at some length and after taking into account suggestions of the Court, learned Counsel for the Petitioner agrees to furnish copies of a number of documents to the Respondent herein, which are listed below :

- a. Memorandum and Article of Association of Emerson Network Power (India) Limited i.e. (ENPI) and Emerson Network Power (Pune) Private Limited (ENPP);
- b. List of Directors of ENPI and ENPP as on 17 April 2015 i.e. date of closure of Satara unit of ENPP;
- c. Certified copies of Profit and Loss account and Balance Sheet and Audit Report ENPI and ENPP for 3 years prior to date of closure of Satara Unit of ENPP;
- d. List of workers and last drawn salary of Satara unit as on date of closure;
- e. Certified copy of the Transfer Deed/Agreement by which DB Power Electronics Pvt. Ltd. was taken over by ENPP;
- f. Copy of Agreements, with Labour Contractors if any and Licenses of the Contractors of Satara unit for 3 years prior to date of closure i.e. 17 April 2015.

3 These documents effectively cover item Nos.1, 3, 4, 6, 8 and 9 from Exhibit "B", of which production was allowed. (Item Nos.3 and 8 are covered by Item No.(c) of the documents agreed to be furnished.) That leaves item nos.2, 6 and 7 of the list. Learned Counsel for the Respondent does not press his application insofar as item No.2 is concerned. He, however, presses item Nos.6 and 7. Even a bare look at these items indicates that seeking of these items would amount to nothing but a roving inquiry without the purpose of such inquiry being even indicated or reflected in any way in the record and proceedings of the matter. Item No.6 generally asks for all monthly, half monthly returns/statements submitted by the Petitioner undertaking which had merged, namely, Emerson Network Power (Pune) Pvt. Ltd., to various statutory authorities. These details concern all employees of the unit including staff,

permanent/temporary and contract labours. Item No.7 includes certified copies of all property extracts, documents, agreements in respect of all properties wherever offices or establishments of the two companies including service support centres all over India wherever situated. Having regard to the controversy in the present complaint, inquiry such as this is clearly impermissible. There is, thus, absolutely no basis for grant of such prayer. Hence, the impugned order to the extent it orders production of the documents referred to above cannot be sustained.

4 That leaves only one grievance of the Respondent. This concerns the documents listed at item No.4 of the List of documents annexed as Exhibit 'B' to the petition. As part of its offer to furnish copies of documents, the Petitioner has offered to furnish documents mentioned in this particular item relating to its Satara unit. Since we are concerned in the present complaint only with the Satara unit of the Petitioner, the documents and particulars referred to in item No.4 of this List concerning payments to workers and their present day salaries in all its units, is not in any way relevant.

5 Accordingly, in view of the offer made by learned Counsel for the Petitioner and which is accepted by the Court, the impugned order shall be modified in terms of the List of documents agreed to be furnished by the Petitioner and which list, as noted above, is accepted by the Court. It is ordered accordingly.

6 The documents listed as above shall be furnished by the Petitioner to the Respondent within a period of four weeks from today.

(S.C. GUPTE, J.)