

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

WRIT PETITION NO.918 OF 2018

Hind Kamgar Sanghatana	.. Petitioner
Vs.	
M/s.Pandit Automative Pvt. Ltd.	.. Respondent

Mr.Mayuresh D. Modgi for the petitioner.
None for the respondent.

CORAM : A.K. MENON, J.

DATED : 2ND APRIL, 2018.

P.C. :

1. By this writ petition, the petitioner has challenged the interim order dated 15th January, 2018 passed by the Industrial Court, Pune restraining the petitioner members from squatting on the premises, shouting slogans, gheraoing the officers of the Management of the respondent company and from stopping delivery of customer's vehicles by holding out threats, shouting slogans and disturbing ingress and egress of the personnel till final disposal of the complaint.

2. On 24th January, 2018 the respondent-company was represented by the counsel who sought leave to implead the Official Liquidator, High Court, Bombay to be appointed as a liquidator of the first respondent-company. Accordingly, the amendment was permitted. On 31st

January, 2018, this Court vide ad-interim order restrained the first respondent-company from disposing of the stock of vehicles or spare parts and other assets till the Official Liquidator took charge. Respondent No.2 is the second union represented by Mr.Helekar, Advocate who is not present today.

3. It appears that on 22nd December, 2017 the order appointing the Official Liquidator was passed. On 25th January 2018 and 29th January, 2018 the Deputy Official Liquidator and Assistant Official Liquidator respectively were present in the Court. They informed the Court that although an order appointing the liquidator appears to have been passed, the same had not been served upon the office of the Liquidator. In the meantime it appears that Company Petition bearing No.1624/I&BC/NCLT/MB/MAH/2017 was filed by Reliance Commercial Finance Ltd against respondent no.1 herein before the National Company Law Tribunal of Mumbai Bench and on 12th March, 2018 the NCLT found that respondent no.1 had committed default as defined under Section 3(12) of the Insolvency and Bankruptcy Code, 2016. Thus, in that petition under Section 7 of the said Code and an Interim Insolvency Professional (IRP) has been appointed and moratorium as contemplated under Section 14 of the Code is in operation.

4. Mr.Modgi, learned counsel submitted that the main complaint is still pending. In view of appointment of the IRP as above, the present

petition is in my view rendered infructuous and is liable to be disposed of. However, the main complaint filed by respondent no.1 shall be decided without being influenced by any of the observations made herein and in accordance with law. The petition is disposed of in the above terms. No costs.

(A.K. MENON,J.)