

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1671 OF 2017**

M/s.Shivkanchi Matchings

...Petitioner

Vs.

Avinash Baburao Potphode

...Respondent

Mr.Shailendra S. Kanetkar for Petitioner.

Mr.A.S. Rao for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 6 JUNE 2018

P.C. :

After the matter is heard at some length, it is agreed between the parties that the impugned order can be set aside and the Petitioner's application for restoration of IDA No.16/2012 should be allowed and the reference should be heard on merits by the Labour Court subject to the Petitioner depositing balance 50% of the awarded amount. The impugned order dated 7 December 2016 is, accordingly, quashed and set aside and the Petitioner's restoration application No.28/2015 in the main matter, namely, Reference (IDA) No.16/2012 is allowed. The IDA shall now be heard on merits by the Labour Court. The Petitioner shall deposit the balance amount representing 50% of the awarded sum in this matter before the Labour Court within a period of six weeks from today and the amount shall remain with the court till the main matter is decided. The amount may be invested by the Labour Court in Fixed Deposits of Nationalised Bank and shall abide by the orders that may finally be passed in the main application. The main application shall be heard by the Labour Court as expeditiously as possible and in any case, within six months from today. All contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)