

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1762 OF 2018
IN
CIVIL WRIT PETITION NO. 7719 OF 2018

Dhanraj Bhau Gaikwad & ors.

..Applicants.

In the matter between

NRC Limited.

..Petitioner.

V/s.

State of Maharashtra & ors.

..Respondents.

Ms. Gayatri Singh, Sr. Counsel I/b. Ms. Ronita Bhattacharya, advocate for applicants.

Mr. Chaitanya Chavhan a/w. Mr. Sujit Suryawanshi a/w. Ms. Sheetal Mote I/b. Vigil Juris, advocate for petitioner.

Mr. Ram Mohite I/b. Mr. S.M. Shettigar, advocate for respondent No. 8.

Ms. Vaishali Nimbalkar, AGP for Respondent Nos. 1 to 7.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : OCTOBER 12, 2018.

P. C. :

1 Today learned Counsel for the petitioner has placed on record a communication to the Government Pleader on the Appellate Side by the advocate for the petitioner that on 25/9/2018 the learned AGP has handed over a copy of the letter dated 3/8/2018 addressed by the respondent No. 1 i.e. State of Maharashtra to the respondent No. 2 Commissioner of Labour, clarifying that the impugned directions dated 31/7/2018 which is impugned in this petition has been withdrawn by the

Talwalkar

respondent No. 3 vide letter dated 7/8/2018. The letter dated 7/8/2018 was pursuant to the directions of this Court (Coram : S.C. Gupte, J) passed in the order dated 31/7/2018.

2 The learned AGP submits that the Labour Commissioner as well as Desk Officer were present in the court at the time of hearing. Learned Counsel for the Petitioner submits that the letter dated 7/8/2018 was not brought to the notice of the Petitioner as well as letter dated 3/8/2018 atleast till an order was passed by this Court (Coram : Smt. Sadhana S. Jadhav, J). The learned Counsel for the Petitioner submits that now the impugned communication is withdrawn by the respondent. He has written instructions to withdraw the petition as the prayers have become infructuous.

3 It is pertinent to note that this Court vide order dated 8/10/2018 while hearing the application seeking intervention by some of the labours, who are members of the respondent No. 8 in the original petition, had passed following order :

2 The learned counsel for the petitioner shall also place on record the number of machineries and their value i.e. the details of the assets, which are moved from the factory. It shall also be stated on oath as to whether any memorandum was drawn at the time of removing the assets from the factory premises. It shall also be stated as to whether the machinery, raw material, the scrap material etc. have

either been sold or have been removed to another premises. It shall also be stated as to whether the factory had obtained working capital or any loan from any bank.

4 At the request of the learned Counsel for the petitioner, liberty to withdraw the petition is granted. However, it is made clear that the intervenors to this petition are at liberty to prosecute the matter in accordance with law. The Petition stands dismissed as withdrawn and disposed of accordingly.

5 The letters are taken on record and marked collectively as Article "X". Writ Petition alongwith intervention application stands disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]