

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

**WRIT PETITION NO.9613 OF 2017
WITH
WRIT PETITION 12614 OF 2017**

Mr. Gurunath R. Bhovad ... Petitioner
Versus

M/s Godrej & Boyce Mfg.
Co. Ltd. And Others ... Respondents

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Mr. Sanjay Singhvi, Senior Advocate I/b Bennet D'costa, Jignasha Pandya
for the Petitioner.

Mr. S.K. Talsania, Senior Advocate a/w Mr. Bharat Goyal & Mr. A.K. Gopalan I/b Haresh Mehta & Co. for Respondent No.1.

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CORAM : S.C.GUPTE, J.

DATE : 18 JUNE 2018

P.C. :

1. Writ Petition No.9613 of 2017 :
2. Heard learned Counsel for the parties.
3. **Rule.**
4. It is, however, clarified that despite admission of this petition, the Labour Court at Thane may proceed with consideration of Part-II of the order.

Writ Petition No.12614 of 2017 :

. Heard learned Counsel for the parties. After the matter is heard at some length, it is agreed between Counsel for both sides that the petition may be disposed of by consent by quashing and setting aside the impugned orders passed by the Labour Court and the Industrial Court on the interim application, being Exhibit U-19, and remand the application to the Labour Court at Thane for a fresh hearing in accordance with law.

2 Accordingly, this petition is disposed of in terms of the following order :

(i) The impugned orders of the Labour Court dated 9 June 2017 passed on application, being Exhibit U-16, and Industrial Court dated 31 July 2017 passed on Revision Application (ULP) No.48 of 2017, are quashed and set aside and the interim application, being Exhibit U-16, is remanded to the Labour Court at Thane for a fresh hearing in accordance with law;

(ii) All rights and contentions of the parties on merits are kept open;

(iii) It is clarified that the Labour Court at Thane shall consider whether or not the residence allotted to the Petitioner herein *prima facie* was part of service conditions/benefits and whether or not the complaint of

unfair labour practices, insofar as the case at the stage of Part-II order is concerned, merits *prima facie* acceptance;

(iv) It is also clarified that the Labour Court at Thane shall consider the interim application, being Exhibit U-16, without reference to the fate of the criminal complaint filed by the Respondent-company under Section 630 of the Companies Act;

(v) Till the Labour Court decides the interim application, being Exhibit U-16, the Petitioner herein shall not be evicted from the residence occupied by him at the Respondent-company's premises in Vikhroli, Mumbai.

(S.C. GUPTE, J.)