

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

WRIT PETITION NO.14174 OF 2017

Thane Municipal Corporation & Ors. .. Petitioners.

Vs.

Prakash Laxman Patil & Ors. .. Respondents.

Mr. Mandar Limaye for the petitioners.

Ms. Bhavana H. Mhatre for Respondent Nos.1 and 2.

CORAM : A.K. MENON, J.

DATED : 27TH FEBRUARY, 2018

P.C. :

1. By this writ petition, the petitioner seeks to challenge the order dated 7th November, 2017. The petitioner – corporation filed an application for impleadment of the company – M/s.Maharashtra Electromech Workers Pvt. Ltd. on or about in September 2017. The corporation also filed an application questioning the maintainability of the complaint under MRTU & PULP Act, 1971. In the face of these two applications which were pending, the Court proceeded to pass the interim order holding that the petitioner is guilty of unfair labour practices under Item No.5, 6 and 9 of the Act.

2. Learned counsel for the respondent is present today on notice. Perusal of the impugned order reveals that at initial stage, the Court has

proceeded and come to final conclusion that the corporation had indulged in unfair labour practices. The Court has proceeded to hold the petitioner liable, without deciding the issue of maintainability. This was impermissible. At the hearing all counsel fairly agree that the issues may be kept open and the matter may be remanded for hearing, on the application for impleadment and maintainability in that order.

3. In the circumstances by consent of the parties, I pass the following order :

- (a) The impugned order dated 7th November, 2017 is hereby set aside.
- (b) The Court shall proceed to hear the parties on the pending applications and thereafter passed a reasoned order.
- (c) The petition is disposed of in above terms.

(A.K. MENON,J.)