

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1309 OF 2018

M/s Zooni and anr.

... Petitioners

V/s

State of Maharashtra and ors.

... Respondents

Mr.R.C.Mishra for the Petitioners.

Mr.H.B.Takke, AGP for Respondent No.1.

Mr.Ashok D. Shetty with Mr.Swapnil Kamble for Respondent Nos.
2 to 4.

CORAM : S.C.GUPTE, J.

DATE : JULY 17, 2018.

P.C. :

1. Heard learned counsel for the parties.
2. After the matter is heard at some length, it is agreed between learned counsel for both the parties that the following order may be passed and it is ordered accordingly as follows:
3. The order passed by the Labour Court issuing process in Misc. Criminal Complaint (ULP) No.4 of 2016 and the interim order passed by the Industrial Court (Ex.U2) in Complaint (ULP) No.425 of 2015 are quashed and set aside and the

respective matters are remanded to the Labour Court and the Industrial Court for fresh hearing in accordance with law. It is made clear that the Labour Court whilst issuing process under Section 48 of the M.R.T.U. & P.U.L.P. Act, 1971 must consider if there is a case of non-compliance of an order of the Court which calls for consideration. It is also made clear that the Industrial Court whilst considering the interim application(Ex.U2) shall decide whether the respondents to the complaint have prima facie engaged in unfair labour practice alongwith the questions of balance of convenience and irreparable prejudice to the complainant. Petition is disposed of.

(S.C.GUPTE, J.)

Priya
Rajesh
Soparkar

Digitally
signed by
Priya
Rajesh
Soparkar
Date:
2018.07.19
11:22:56
+0530