

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2318 OF 2017

Maharashtra Employees Union	.. Petitioner
Vs.	
The State of Maharashtra and ors.	.. Respondents

Mr.Bennet D'Costa a/w Mr.F.R.Mishra & Ms.Jignasha Pandya,
for the Petitioner.
Mr.Kedar B. Dighe, AGP for Respondents No.1 to 4 – State.
Mr.Kiran Bapat, for Respondents No. 5 to 10.

**CORAM : R.M.SAVANT &
M.S.KARNIK, JJ.
DATE : 18th SEPTEMBER, 2018**

P.C. :

. The above Writ Petition arises out of inaction on the part of the Authorities exercising powers under the Maharashtra Land Revenue Code to effect recovery from the employers under the awards passed by the Industrial Tribunal, Mumbai.

2. The parties have reached a settlement i.e. the Petitioner - Union and the employers which is referable to

Section 2(p) of the Industrial Disputes Act, 1947. The said settlement has been filed before the learned Single Judge before whom the Writ Petitions impugning the Awards filed by the employers as well as the Petitioner – Union were pending.

3. Be that as it may, in the above Writ Petition the parties have filed Consent Terms dated 10/09/2018. The Consent Terms have been signed on behalf of the employer- M/s. M.K.Metal Industries by Mr.Mukesh Chotalal Shah - proprietor, on behalf of M/s. Perfect Stainless Steel Products by Mrs.Dipika Mukesh Shah – proprietress, on behalf of M/s. Pranav Steel Industries by Mrs.Amita Chintan Patanwala - Proprietress and for M/s. Perfect Houseware Pvt.Ltd. by Director - Mr.Mukesh Chotalal Shah. On behalf of the Petitioner - Union, the Consent Terms have been signed by the President of the Union - Mr.F.R.Mishra.

4. The Consent Terms have also been signed by the learned Counsel for the Petitioner Mr.Bennet D'Costa and by

Mr.K.S. Bapat – learned Counsel appearing for the Respondents No. 5 to 10. The President of the Petitioner - Union Mr.F.R.Mishra is personally present in the Court. He is identified by the learned Counsel Mr.Bennet D'Costa. He states that he has read the Consent Terms, the same are acceptable to him and the Union and that he has signed the said Consent Terms of his own free will and volition. The proprietor of M/s.M.K.Metal Industries – Mr.Mukesh Shah is also personally present in the Court. He is identified by the learned Counsel Mr.K.S.Bapat. When put in box and queried, he states that he has been read over and explained the contents of the Consent Terms. He has understood the said contents. He states that the contents are acceptable to him and that he has signed the Consent Terms of his own free will and volition. He lastly states that the Consent Terms are also acceptable to his wife – Mrs. Dipika Shah and daughter – Mrs. Amita Patanwala. The Consent Terms are taken on record and marked as 'X' for identification. The Petition is disposed of in terms of the Consent Terms.

5. The learned Counsel appearing for the Petitioner -Union Mr.Bennet D'Costa states that the amounts due to the workers have been deposited with the Petitioner - Union by the employers i.e. the Respondents No. 5 to 10 to the above Petition and the Petitioner- Union would disburse the amounts to the workers as expeditiously as possible.

6. In view of the filing of the Consent Terms between the parties, the Respondent No.4 is directed to unseal the property in question which has been sealed by him pursuant to the action taken under Maharashtra Land Revenue Code.

7. All the parties to act on a authenticated copy of this order.

(M.S.KARNIK, J.)

(R.M.SAVANT, J.)