

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAW] No.2171 of 2018
in
Writ Petition No.1868 of 2016 (D)

A.D.M. Agro Industries Kota & Akola Pvt. Ltd.

vs.

Shrikant Sahadevrao Bhaladane & others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Shri D.C. Dage, Advocate for the Petitioner.

CORAM : S.B. SHUKRE, J.
DATE : 12th OCTOBER, 2018.

Heard the learned Counsel for the applicant-petitioner. Nobody is present for the respondents. The respondents are represented by their learned Counsel Advocate Smt. Anjali Joshi. However, she is not present.

By the order passed on 22nd June, 2017, this Court, while disposing of the Writ Petition No. 1868/2016, had remanded the matter back to the Industrial Court for deciding the issue of maintainability filed by the respondents under Section 30(2) of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971. After the remand, the Industrial Court has decided the question of maintainability of the complaint. By the order passed

on 09/08/2017, the Industrial Court has found that the complaint is not maintainable and, therefore, the complaint has been dismissed. This order passed on 09/08/2017, it appears, has not been challenged by the respondents.

The learned Counsel for the applicant-petitioner makes a statement that to the knowledge of his client, this order passed by the Industrial Court has not been challenged so far by the respondents. There is no assistance rendered in the matter from the side of the respondents and, therefore, this Court would like to place reliance upon the statement so made by the learned Counsel for the petitioner. Accordingly, it is held that the complaint itself having been dismissed by the Industrial Court, this application deserves to be allowed.

In the circumstances, the application is allowed. The applicant-petitioner is permitted to withdraw an amount of Rs.50,00,000/- (Rupees Fifty Lakhs Only) deposited in this Court together with accrued interest, if any.

The application is disposed of accordingly.

JUDGE