

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7804 OF 2018

M/S COSMO FILMS LTD, AURANGABAD
VERSUS
AURANGABAD MATHADI AND UNPROTECTED LABOUR BOARD THRU
SECRETARY AND OTHERS

WITH
CIVIL APPLICATION NO.714 OF 2019
IN WP/7804/2018

MARATHWADA LABOUR UNION.
VERSUS
M/S COSMO FILMS, AURANGABAD AND OTHERS.

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Advocate for the Petitioner / Management : Shri Prabhakaran T.K..
Advocate for Respondent 1/ Board : Shri P.P.Mandlik.
Advocate for Respondents 2 and 3 : Shri A.S.Kulkarni.
Advocate for the Applicant/ Intervenor : Shri P.S.Paranjape.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th January, 2019

Per Court:

1 On 18.01.2019, the following order was passed :-

- "1 The learned Advocates for the respective sides submit that they have no objection if this Court hears this matter.
- 2 The appearances are entered on behalf of Respondent Nos.2 and 3 in the writ petition.
- 3 The Petitioner has filed Civil Application No.713/2019 stating that the Mathadi Board has passed the revised order on 31.08.2018 without hearing the Petitioner. Since it is in continuation with the earlier proceedings, it

is prayed that leave to amend the writ petition be granted.

4 *The learned Advocates for the Respondents do not have any objection.*

5 *In view of the above, this Civil Application is allowed. Amendment be carried out on or before 22.01.2019.*

6 *List the writ petition in the urgent admissions category on 23.01.2019."*

2 I have briefly heard the learned Advocate for the Petitioner/ Management and the learned Advocates on behalf of the Respondents.

3 Civil Application No.714/2019 has been filed by the Applicant, which is the Marathwada Labour Union. It is, however, pointed out by the learned Advocate for the Petitioner/ Management that the same Union, in an earlier round of litigation in Miscellaneous Delay ULP No.11/2013, has been held to be unconnected with the industry and the Industrial Court, by its judgment dated 20.03.2018, has noted that the said Union does not have locus standi to espouse the causes of the Mathadi workers and the contract labourers. The said order has not been challenged as on date.

4 As such, the learned Advocate appearing for the said Union submits that he would add the 42 workers in the cause title of the Civil Application by deleting the said Union. The list of 42 workers is mentioned at page 26 of the writ petition paper book.

5 In view of the above, leave to amend the Civil Application

No.714/2019 is granted. Amendment be carried out.

6 The learned Advocate for the Petitioner/ Management submits that the amended impugned order dated 31.08.2018 from pages 58A to 58E would indicate that the Mathadi Board has unjustifiably sought recovery of Rs.5,54,80,346/-. Steps are being taken by the Revenue Authorities for the recovery of the said amount. He prays for ad-interim protection, which is strenuously opposed by the learned Advocates appearing for the Mathadi Board and for the 42 workers.

7 This Court has laid down the law in M/s Shewalkar Developers Limited vs. Rupee Cooperative Bank Limited, 2016 (1) Mh.L.J. 382, that in matters where the recovery of amounts is ordered, a blanket stay or protection ought not to be granted and such protection could be possible if a substantial amount is deposited in this Court. As such, I find it appropriate to direct the petitioner to deposit Rupees Three Crores.

9 The learned Advocate for the Petitioner/ Management has taken instructions from the briefing officer present in the Court, that the bank guarantee of the HDFC Bank for an amount of Rs.3 crore would be furnished in this Court and the said guarantee would continue to bind the Management until specifically exempted by this Court by an order.

10 In view of the above, the Petitioner/ Management shall furnish a bank guarantee from the HDFC Bank to the satisfaction of the

Registrar (Judicial) of this Court for an amount of Rs.3 crore on or before 15.02.2019. The said Bank guarantee would be alive and would be continued until this Court passes a further order.

11 The learned Advocate for the Petitioner/ Management submits that as 42 workers are being arrayed individually in the intervention application, the said Civil Application could be allowed and the Petitioners would array the said 42 workers as respondents Nos.4 to 45 in this writ petition.

12 As such, Civil Application No.714/2019 stands allowed. 42 workers arrayed in place of the Union in the said Civil Application shall be added as Respondent Nos.4 to 45 in the writ petition within TEN DAYS from today. Shri Pranjape causes an appearance on behalf of the said 42 workers in the petition.

13 List this Writ Petition on 27.02.2019 in the urgent admissions category. If possible, the matter may be heard finally at admission stage. The reply, if any, to be filed within two weeks from today.

14 Needless to state, the parties and the Mathadi Board shall maintain status-quo since the Petitioner/ Management is furnishing the bank guarantee as directed above.