

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

WRIT PETITION NO.5135 OF 2019

M/s. Kala Jyoti Process Pvt. Ltd. ... Petitioner
Versus
Dharmarajya Kamgar Karmachari Mahasangh ...Respondent
.....
Mr. S.K. Talsania, Senior Advocate i/b. Mr. Mahendra M.
Agavekar for the petitioner.
Ms. Jane Cox i/b. Ms. Karishma Rao for the respondent.
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CORAM : M. S. KARNIK, J.

DATE : 22nd APRIL, 2019.

P. C.:

1. Learned Senior Counsel Shri Talsania submitted that impugned order of the Industrial Court is not in consonance with the law laid down by this Court in the case of **Biddle Sawyer Ltd. Vs. Chemical Employees Union** reported in **2007 II CLR 193**. However, this decision was not brought to the notice of the Industrial Court. By consent learned Senior Counsel for the petitioner and the learned counsel for the respondent agree that the matter can be remitted back to the Industrial Court for a fresh consideration on merits. Learned Senior Counsel would submit that the statement made on behalf of the Management which can be found in Para 17 of the impugned order of the Industrial Court will continue.

2. In this view of the matter, the matter is remitted back to the Industrial Court to decide the application Exhibit U-2 afresh on its own merits in accordance with law after hearing the concerned.

3. The impugned order is set aside.

4. All contentions are kept open. The Industrial Court is requested to decide the application expeditiously.

5. The Writ Petition is partly allowed in above terms and accordingly disposed of.

(M. S. KARNIK, J.)