

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

WRIT PETITION NO.12563 OF 2019

The Bombay Electric Workers Union ... Petitioner

Versus

Mumbai Electric Employees Union

1(a) Shri Venkatesh Potta

And Others ... Respondents

.....

Mr. V.P. Vaidya a/w Shraddha Chavan I.b Mahendra Agavekar for the
Petitioner.

Mr. Bennet D'Costa a/w Jignasha Pandya for Respondent No.1.

Mr. K.P. Anilkumar a/w Ms. Priyanka Kumar for Respondent No.2.

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CORAM : S.C. GUPTE, J.

DATE : 10 DECEMBER 2019

P. C. :

. This writ petition challenges an order passed on 16 March 2019 by the Industrial Court at Mumbai at the hearing of a complaint of unfair labour practice pending before it. The order *inter alia* required respondent No.1 employer (who is Respondent No.2 to the present writ petition) and respondent no.2 union (who is the Petitioner in the present petition) to produce statements and documents, which are outlined in paragraphs (i) to (iv) of the operative part of the impugned order. It is the grievance of the Petitioner in the present petition that this order, which was passed suo motu by the industrial court, was for details and documents, which are not relevant and are unnecessary for deciding the controversy before the court. After the

matter is heard at some length, learned Counsel for the Petitioner states, without prejudice to the rights and contentions of his client, that Petitioner shall produce copies of agreements in respect of permanent employees, involving the amount of levy, which is contained in the settlement agreement between the employer and the union made in the 2007. Learned Counsel further submits that the first tri-partite agreement involving association of contractors was entered into by the Petitioner with the employer in 2012 and that a copy of that tri-partite agreement, which includes a clause of levy, shall be produced and copy submitted to Respondent No.1 union. Learned Counsel also submits that his client shall produce annual returns submitted to the Registrar under the provisions of Trade Unions Act from the year 2010 onward. It is ordered accordingly.

2 So far clause (iv) of the operative order passed on 16 March 2019 is concerned, the directions are to Respondent No.1 employer (Respondent No.2 herein). Since the impugned order has not been challenged by the employer, Respondent No.2 will have comply with these directions. It is, however, made clear that as in the case of the Petitioner Union, the particulars required under clause -(iv) from the employer shall pertain to the year 2007. The writ petition is disposed of accordingly.

3 All rights and contentions of the parties on merits so far as the subject matter of the present petition is concerned, are kept open.

(S.C. GUPTE, J.)