

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

WRIT PETITION NO. 3461 OF 2019

National Chemical Laboratory

...Petitioner

vs.

Arun S. Nimhan & Anr.

...Respondents

Mr.K.P. Anil Kumar with Amit Saple, Priyanka Kumar and Roshni Vipani for
Petitioner.

Mr.Nitin A. Kulkarni for Respondent No.1 to 16 and 18 to 22.

CORAM : S.C. GUPTE, J.

DATE : 16 DECEMBER 2019

PC. :

After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned award passed by the Labour Court at Pune on 16 August 2018 may be quashed and set aside and the reference may be remanded to the Labour Court for a fresh hearing in accordance with law.

2 The impugned award of 16 August 2018 passed by the Labour Court is, accordingly, quashed and set aside and Reference (IDA) No.297/2010 is remanded to the Labour Court at Pune. The Labour Court is expected to decide the reference, on the basis of functions carried out by the particular establishment of the Petitioner herein, after considering whether the particular establishment of the Petitioner can be termed as an industry or not. Evidence already led by the parties before it shall be considered by the Labour Court for deciding this controversy.

3 Needless to add, all issues including the issue referred to above, shall have to be decided by the Labour Court afresh in the light of the evidence led by the parties before it. Considering the vintage of the controversy and the fact that evidence has already been led before it, the Labour Court is expected to decide the reference and declare its award as expeditiously as possible and preferably within a period of three months from today.

4 The writ petition is disposed of in the above terms.

(S.C. GUPTE, J.)