

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2523 OF 1996

Metal Box India Ltd. and anr.

...Petitioners.

V/s.

State of Maharashtra and ors.

...Respondents.

Mr. Kiran Bapat I/by Tejpal &Co. for the Petitioner.

Mr.Ravindra Kumar S. Shrivastava, Senior Personnel Administration
Executive and Legal Officer of the petitioner is present.

Mr. K.K.Malpathak for respondent No.6.

Mrt. Kishore S. Wagle respondent No.6 present in Court.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.

DATE : 30th JANUARY 2019.

P.C.:

1. Heard learned counsel appearing for the parties.
2. The representative of the petitioner company is personally present in Court, Respondent No.6 is also present in court.
3. It appears that, in view of the order passed by this Court on 28.9.2017 the present petition has been disposed of so far as respondent No.5 is concerned in terms of the consent terms.
4. By way of instant petition the petitioner company is seeking quashment of the order directing attachment of the assets of the

petitioner company in execution of the order for recovery of amount of Rs.1,08,454/- together with interest towards the labour dues. The said order has been issued by the Collector under Section 267 of the Maharashtra Land Revenue Code,1966 on 16.12.1996.

5. During the continuation of the present petition, the petitioner company has settled the dispute with the concerned employers i.e. respondent Nos. 5 and 6 herein and the consent terms are placed on record. Those are duly verified and have been signed by the concerned respondents who have been identified by the counsel representing them. The consent terms are taken on record and marked as C-1 and C-2 for identification. In view of the consent terms placed on record marked as C-1, the parties have agreed that respondent No. 5 has no objection for the petitioner company withdrawing the amount of Rs 30,.200/- with accrued interest thereon lying invested in long term fixed deposit maintained with Corporation Bank. The petitioner company has agreed to settle the claim for Rs.1,00,000/- and further sum of Rs.6000/- towards the full and final settlement of all claims and dues of whatsoever nature including but

not limited to gratuity, wages and fixed deposit. It has also been agreed by respondent No.5 that, he has no objection for the petitioner company withdrawing the amount of Rs.30,200/- with accrued interest thereon lying invested in long terms fixed deposit maintained with Corporation Bank, Mumbai Nariman Point Branch in accordance with the order dated 13.1.1997 passed in the present petition. In view of the consent terms entered into by the petitioner company with respondent No.6, Exh.C-2, the respondent No.6 confirms receiving a sum of Rs.46,050/- by way of Cheque dated 28.1. 2019 drawn on IndusInd Bank Ltd. In full and final settlement of all claims and dues of whatsoever nature. However, it shall not include the claim relating to gratuity as per the sanctioned scheme of petitioner company. It has been further agreed that respondent No.6 shall have no objection for the petitioner company withdrawing the amount of Rs.78,254/- with accrued interest thereon lying invested in long term fixed deposit maintained with Corporation Bank in accordance with the order dated 13.1.1997 passed in the present petition.

In view of the terms of settlement placed on record marked as C-1 and C-2 since the grievance of the concerned workers in respect of recovery of amount is redressed, the notice dated 16.12.1996 need not remain operative and the same is accordingly quashed. It would be open for the petitioner company to withdraw the amount deposited in fixed deposit with Corporation Bank in terms of the settlement reached between respondent Nos. 5 and 6 and the petitioner company.

6. It would be open for the petitioner company as well as Corporation Bank to inform the Collector of Bombay City in respect of the order passed by this court and Collector Bombay City will do needful so as to facilitate the petitioner company to seek withdrawal of the amount as above.

7. Writ Petition is accordingly disposed off.

8. All interim applications are accordingly disposed off.

(V. L. ACHLIYA, J.)

(R.M.BORDE, J.)