

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5125/2019

The Manager, Kanak Resources Management Limited, Nagpur

..Vs..

The Nagpur Municipal Corporation, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Shantanu Ghate, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATED : 26.7.2019.

Heard.

2] The employer, being aggrieved by the order passed by the Assistant Commissioner of Labour and Competent Authority under Minimum Wages Act, 1948 (for short “the Act of 1948”) condoning delay in making the claim under Section 20(2) of the Act of 1948 has filed this petition. The submission of the petitioner / employer is that the delay is condoned without applying judicious mind, and only for the asking by the respondent Nos.3 to 96 / employees. In support of the submission that such order cannot sustain the scrutiny of law, learned Advocate for the petitioner relied on the judgment given by the Hon'ble Supreme Court in the case of *Basawaraj and another V/s. Special Land Acquisition Officer* reported in (2013) 14 SCC 81 and the judgment given by this Court in the case of *Victor Albuquerque V/s.*

Saraswat Co-operative Bank Ltd and others reported in **AIR 1998 Bombay 346**. The legal position enunciated in the above referred judgments is well settled. However, considering the nature of claim made by the respondent Nos.3 to 96 and as there is no dispute that the Competent Authority under the Act of 1948 is conferred with powers to condone delay, I am not inclined to interfere with the impugned order in the extraordinary jurisdiction. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.