

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

WRIT PETITION NO. 81 OF 2020

Manugraph India Ltd., Unit No.1, Kolhapur	...Petitioner
vs.	
Manugraph Employees Association, Unit-1, Kolhapur	...Respondent

Mr.Sudhir Talsania, Senior Counsel with Sandeep Mutalik and Sandeep Mahadik for Petitioner.

Mr.Abhay Nevagi with Amit Singh and Sakshee Kumar i/b. Abhay Nevagi & Associates for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 29 JANUARY 2020

P.C. :

This writ petition challenges an interim order passed by the Industrial Court at Kolhapur on an application made under Section 30(2) of the MRTU and PULP Act, 1971.

2 After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned order dated 13 December 2019 below Exhibit U-2 in Complaint (ULP) No.120 of 2019 may be quashed and set aside and Exhibit U-2 be remitted to the Industrial Court at Kolhapur for a fresh hearing in accordance with law. It is ordered accordingly. It is made clear that the Industrial Court, whilst deciding the application, Exhibit U-2, shall decide *prima facie* merits of legality of the notice dated 15 November 2019 impugned in the complaint before the Industrial Court. The Industrial Court shall endeavour to dispose of the interim application, Exhibit U-2, as expeditiously as possible and preferably

within a period of six weeks from the date this order is pointed out to the court. Both parties may appear before the Industrial Court on 5 February 2020 and produce an authenticated copy of this order. The Industrial Court may thereupon fix a schedule of hearings and dispose of Exhibit U-2 accordingly.

3 As stated before the Industrial Court, the Respondent to the complaint – Manugraph India Ltd., Unit No.1, shall deposit before the Industrial Court four weeks' wages of the concerned employees represented by the complainant union. The complainant union is at liberty to apply for withdrawal of the amount deposited. All rights and contentions of the parties in that behalf are kept open.

4 It is made clear that this order is passed by consent of parties and this court has not applied its mind to the *prima facie* merits of Exhibit U-2. The Industrial Court, whilst deciding Exhibit U-2, shall consider the matter in its own light uninfluenced by the earlier order. The petition is disposed of.

(S.C. GUPTE, J.)