

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.1108 OF 2020**

M/s. Tenova India Pvt. Ltd. ...Petitioner

vs

Uday Dattatray Paradkar ...Respondent

.....

Mr. K.S. Bapat, i/b. Ms. Desai and Desai Associates, for the Petitioner.

Mr. Abhijeet J. Kandarkar, for the Respondent.

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CORAM : S.C. GUPTE, J.

DATED: 12 FEBRUARY, 2020

P.C. :

. This writ petition challenges an order passed by the Labour Court at Mumbai on a complaint of unfair labour practice and dismissal of revision application from that order by the Industrial Court at Mumbai. The controversy concerns the question of jurisdiction of the Labour Court to hear the complaint. This question was raised on an application for framing of a preliminary issue. The impugned orders of the Labour Court and Industrial Court hold the preliminary issue against the Petitioner herein (original respondent). The complaint is still pending before the Labour Court at Mumbai. It would be more appropriate for the Petitioner herein to instead defend the complaint and if the Petitioner is aggrieved by the final order that may be passed on the complaint, to take up its challenge to the decision on the preliminary issue. The writ petition is, accordingly, disposed of by keeping the merits of the controversy on the preliminary issue open, so as to enable

the Petitioner to agitate the same if and when the final order passed on the complaint is challenged before the court.

(S.C. GUPTE, J.)

Smita
Gonsalves

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