

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

WRIT PETITION NO. 3187 OF 2004

Shri K. Prasad & Ors.

...Petitioners

vs.

Bakul Aromatics and Chemicals Ltd. & Anr.

...Respondents

Mr.Ganesh Bhujbal for Petitioners.

Mr.Rajesh Gehani with Shraddha Chavan with Mahendra Agavekar for Respondents.

CORAM : S.C. GUPTE, J.

DATE : 24 JANUARY 2020

P.C. :

After the matter is heard at some length, it is agreed between learned Counsel that the impugned order of the Industrial Court dated 17 December 2003 may be quashed and set aside and liberty be reserved to the Petitioners herein (original complainants) to approach the Labour Court in a complaint of unfair labour practice under Item 1 of Schedule IV read with Section 28 of the MRTU and PULP Act, 1971. It is also agreed that in case the Petitioners approach the Labour Court within three weeks from today, the period spent by them before the Industrial Court and this court shall be excluded from the computation of the period of limitation on the ground of just and reasonable cause and the Petitioners' complaint shall be considered on merits by the Labour Court. It is ordered accordingly. All rights and contentions of the parties on merits are kept open including the contention of the Respondents that having regard to the length of time between accrual of the cause of action and today, it may not be in a position to produce original documents and may have to do with secondary

evidence alone or alternatively, to rely on the papers and proceedings of the original complaint, namely, Complaint (ULP) No.381/1998, before the Industrial Court at Thane. In that case, even the Petitioners may be permitted to lead secondary evidence as complainants before the court.

2 The petition is disposed of accordingly.

(S.C. GUPTE, J.)