

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

WRIT PETITION NO.57 OF 2020

Aker Powergas Private Limited	...	Petitioner
Versus		
Ankush Surendra Gujrathi	...	Respondent

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Mr. Abhay Nevagi a/w Mr. Vivek Patil, Amit Singh, Sakshee Kumar
i/b Abhay Nevagi & Associates for the Petitioner.

Mr. G.J. Ramchandani for the Respondent.

Mr. Satyaki Chakraborty, Senior Manager-Legal of the Petitioner
present.

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CORAM : S.C. GUPTE, J.

DATE : 9 JANUARY 2020

P. C. :

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the writ petition may be disposed of by quashing and setting aside the impugned order dated 13 August 2019 and remitting the matter to the reference court for framing and deciding a preliminary issue of maintainability of the reference on the ground that the second party is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act 1947. Accordingly, the impugned order dated 13 August 2019 is quashed and set aside and the reference (Exhibit C-3) is remanded to the Labour Court at Thane for a fresh hearing in accordance with this order. Learned Counsel

for the Petitioner herein (original first party) states that his client shall not challenge any decision passed on the maintainability of the issue by the Labour Court at Thane at any time till the reference is finally decided by the Labour Court. The statement is accepted. The Labour Court is requested to decide the preliminary issue of maintainability, as above, as expeditiously as possible, and preferably within six months from today. Learned Counsel for the Petitioner states that the Petitioner shall co-operate with the Respondent for expeditious hearing of the preliminary issue. Learned Counsel also states that inspection of documents called for by the Respondent, shall be duly furnished along with copies of such documents to the Respondent within two weeks from today. The writ petition is disposed of accordingly.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

Digitally signed
by Rajesh V.
Chittewan
Date: 2020.01.21
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