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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.3520 OF 2019**

USV Pvt. Ltd.	..Petitioner.
V/s.	
Federation of Medical & Sales Representatives' Association of India	..Respondent.

WITH**WRIT PETITION (L) NO.232 OF 2020****WITH****WRIT PETITION NO.786 OF 2017**

Federation of Medical & Sales Representatives' Association of India	..Petitioner.
V/s.	
USV Pvt. Ltd.	..Respondent.

Mr.Sudhir Talsania, Senior Advocate with Ms.Afrin Dalal, Mr.Atman H.Mehta & Ms.Aditi Hambarde i/b. Haresh Mehta for the Petitioner in WP/3520/2019 & Respondent No.WPL/232/2020 & WP/786/2017.

Ms.Jane Cox i/b. Ms.Karishma Rao for the Respondent in WP/3520/2019 & Petitioner in WPL/232/2020.

Ms.Jane Cox i/b. Rajmohan A. Amonkar for the Petitioner in WP/786/2017.

CORAM : S.C.GUPTA, J.**DATE : FEBRUARY 13, 2020**

P.C. :-

Heard learned counsel for the parties.

2. These writ petitions challenge an award passed by the Industrial Tribunal, Mumbai on a reference made to by the appropriate Government under the Industrial Disputes Act, 1947. The reference concerns a charter of demands of the second party, which is a Federation of Medical Sales Representatives Association of India and also is the Respondent to the present petitions. After the matter has been heard at some length, learned counsel for the parties submit that the impugned award of the Industrial Tribunal may be quashed and set aside and the reference remanded to the Tribunal for fresh decision.

3. Accordingly, the impugned award dated March 30, 2019, passed by the Industrial Tribunal, Mumbai in Reference (IT) No.17/ 2012, is quashed and set aside and the reference is remanded to the Industrial Tribunal, Mumbai for a fresh hearing in accordance with law. The Industrial Tribunal will consider the fairness of the charter of demands submitted by the second party union, in the light of what was unilaterally offered by the first party and what was purportedly accepted by the second party.

4. All rights and contentions of the parties on merits are kept open.

5. The Tribunal, while considering the reference and passing an award, shall not be influenced by the observations made in the interim award which is the subject matter of challenge in the companion petition, i.e. Writ Petition No.786 of 2017, either for deciding Reference (IT) No.17/2012 or order in Reference (IT) No.24/2013 passed on October 3, 2016.

6. Writ Petition Nos.3520 of 2019, 786 of 2017 and Writ Petition (L) No.232 of 2020 stand disposed of accordingly.

7. Learned counsel for the Petitioner in Writ Petition 786 of 2017 states that her client has not applied for any interim award in Reference (IT) No.24/2013.

(S.C.GUPTE, J.)