

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3179 OF 2021**

Lechler (India) Pvt. Ltd.
VS.

.. Petitioner

Metal (Excluding Iron and Steel) and Paper
Markets and Shops Mathadi Labour Board and ors. .. Respondents

Mr. Avinash Jalisatgi I/b. Mr. Vaibhav Jagdale for the Petitioner.

Mr. B.S. Mahamulkar a/w Mr. Rahul D. Oak for Respondent Nos.1
and 2.

Mr. Meelan Topkar for Respondent No.3.

Mr. P.P. Pujari, AGP for the Respondent-State.

CORAM : M.S.KARNIK, J.

DATE : JULY 22, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. The order impugned is dated 09.02.2021 passed by the Specified Authority under Section 13 of the Maharashtra Mathadi, Hamal and Other Manual Workers' (Regulation of Employment and Welfare) Act, 1969 ('the Act' for short) imposing a levy of Rs.20,39,213/- on the Petitioner in respect of a wages and levy for Toli No.P/644.

3. It is the contention of learned counsel for the Petitioner that the procedure contemplated by Section 13 of the said Act was not

followed before passing the impugned order. Further it is his contention that the Toli in question for which the levy and wages were demanded was never allotted to the Petitioner. Several other contentions were raised.

4. Learned counsel for the Board and Mr. Topkar for the employer argued in support of the impugned order. Learned counsel for the Board submitted that despite giving adequate opportunities, the Petitioner having failed to avail of the opportunities, now cannot contend that he was not heard.

5. No doubt, in the impugned order, the various dates on which the matter was fixed for hearing are indicated. However, a reading of the impugned order reveals that the same is an unreasoned order without taking into consideration any of the contentions raised by the Petitioner.

6. Mr. Jalisatgi, learned counsel on instructions submits that the Petitioner is willing to deposit 50% of the amount in terms of the impugned order with the Board. The statement is accepted.

7. Hence, the following order :-

ORDER

(i) The impugned order is set aside.

(ii) Consequentially, the Demand Notice at Exhibit O page 91 issued by the Tahsildar, Thane for recovery of the arrears is also quashed.

(iii) The parties to appear before the Specified Authority on 28.07.2021 at 11.00 a.m. The Specified Authority may permit the parties to furnish the additional documents and after hearing all concerned pass a fresh order in accordance with law.

(iv) The matter to be decided expeditiously and preferably within a period of eight weeks from today.

(v) The amount deposited not to be disbursed till the matter is heard finally.

8. All contentions are kept open.

9. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

PRADNYA
MAKARAND
BHOGALE

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