

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.6119 of 2021**

**M/s.Johnson Matthey Chemicals India Pvt.Ltd.**

**...Petitioner.**

**Vs.**

**Dharmarajya Kamgar Karmachari Mahasangh & Ors.**

**... Respondents**

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Mr.J.P.Cama, Senior Advocate with Mr.Indrajeet R.Hingane, for the  
Petitioner.

Ms.Jane Cox i/b. Ghanashyam R.Thombare, for Respondent No.1.

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**CORAM : G.S. KULKARNI, J.**

**DATE : 21<sup>th</sup> October, 2021**

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**P.C.:**

1. This petition was heard extensively on the earlier two occasions. It would have been easier for the Court to decide the issues which fell for consideration of the Court and so effectively argued by the learned Counsel for both the parties. However, the temptation to decide was required to be resisted, considering the larger interest of the parties, and more particularly, considering the fact that the proceedings have arisen from the interim orders passed by the Industrial Court.

2. The discussion as transpired in the Court has led the parties to arrive at a consensus which is to the effect that by consent of the parties,

the issues as arising in the present proceedings, be finally decided in the pending proceedings of Complaint ULP No.108 of 2021. The parties are in agreement that issues touching the interim adjudication leading to the interim order dated 16 July 2021 passed by the Industrial Court involved evidence to be led and hence, interest of the parties would be to have a final adjudication of the proceedings before the Industrial Court.

3. In view of such consensus, the parties have agreed that the interim order dated 16 July 2021 passed by the learned Member of the Industrial Court on the said Complaint be set aside, and the proceedings be remanded to the Industrial Court to be decided finally. It is also prayed that in the peculiar facts and circumstances of the case, a direction be issued to the Industrial Court to make an endeavour to decide the complaint expeditiously and within a period of six months from today.

4. It was an anxiety of the respondents that pending the final disposal of the Complaint before the Industrial Court, a prejudice would be caused to the respondents, if the petitioner sells the plant and machinery of the NICAT Division, and in that event, some protection be granted. In this regard it is fairly agreed by the petitioner that in such

event, the petitioner shall not part with the money received from any such sale, for a period of one month and after a notice to that effect is served on respondent no.1.

5. In view of the above consensus, the petition shall stand disposed in terms of the following order:-

### **ORDER**

(i) By consent of the parties, the impugned order dated 16 July 2021 passed in Complaint ULP No.108 of 2021 passed by the Industrial Court, Thane, is quashed and set aside.

(ii) The parties stand relegated to the Industrial Court to participate in the pending proceedings so that the same are disposed of expeditiously.

(iii) Learned Presiding Officer of the Industrial Court shall make an endeavour to finally dispose of the Complaint ULP No.108 of 2021 as expeditiously as possible within a period of eight months from today.

(iv) Pending the final disposal of the Complaint ULP No.108 of 2021, if the petitioner intends to sell the plant and machinery belonging to NICAT Division, the petitioner shall not part with the amounts received from such sale for a period of one month from the date of the intimation of the receipt of the amount being served on respondent no.1.

(v) All contentions of the parties on the pending proceedings are

expressly kept open.

(vi) Learned Counsel for the petitioner has made a statement that in the event the petitioner decides to reopen the NICAT Division, a one month's notice to that effect shall be issued to respondent no.1, although it is stated that as on date there is no intention to reopen the same.

(vii) Disposed of in the above terms. No costs.

**(G.S. KULKARNI, J.)**