

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 13172 OF 2018**

Fiat India Automobiles Pvt. Ltd.

...Petitioner.

Versus

Additional Commissioner of Labour,  
Pune and Others.

..Respondents.

Mr. Anand Pai and Mr. Vipul Patel i/b Haresh Mehta & Co., for the  
Petitioner.

Mr. P. P. Kakade, GP and Mr. B. V. Samant and Ms. R. M. Shinde, AGP for  
the Respondent-State.

Mr. Avinash Belge i/b Nitin A. Kulkarni for Respondent No. 2.

CORAM : PRASANNA B. VARALE &  
S.M. MODAK, JJ.

**Date : December 13, 2021.**

P. C. :

1. In the present petition, the orders of reference dated 4<sup>th</sup> June 2012 and 27<sup>th</sup> August 2012 are challenged along with the award dated 10<sup>th</sup> September 2018 passed by the Industrial Tribunal, Pune in Reference IT No.10 of 2012. On previous occasions, the petition was heard for some time. Learned counsel appearing for the respective parties submitted before this Court that the parties would explore the possibility of disposal of petition by way of mutual consent. Accordingly, today learned counsel appearing for the respective parties have placed on record the terms arrived at between them by consent of parties. The consent terms are duly signed by the Petitioner and learned counsel for the Petitioner as well as Respondent No.2 and learned counsel for

Respondent No. 2. Consent terms are taken on record and marked "X" for identification.

2. Learned counsel submitted that though in clauses (c) and (e) of Clause 1, a reference is made to stipulation of period, but the same is only by way of abundant caution. Learned counsel appearing for the respective parties submitted that this Court is certainly empowered to direct the parties and fix the stipulation period and the parties have no role to play in that aspect.

3. In view of the above referred facts, the petition is disposed of in terms of the consent terms subject to following modifications :

- (1) In clause (c), the words *"within a period of 3 months"* are substituted by the words *"within a period of 4 months"* and,
- (2) In clause (e), the words *"within a period of 6 months"* are substituted by the words *"within a period of 12 months (one year)"*.

4. We further direct that the parties shall extend all possible co-operation in the process before government as well as before the competent judicial forum, i.e., Labour Court / Industrial Tribunal. In case, the judicial forum finds that the proceedings are getting delayed due to

non co-operation of parties, the forum may pass suitable orders, including the imposition of costs on erring party.

5. With the above directions, writ petition is disposed of.

**[S. M. Modak, J.]**

**[Prasanna B. Varale, J.]**