

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1591 OF 2007

Kansai Nerolac Paints Ltd. ... Petitioner
VS.
The Workmen Employed Under it, through
Paints Employees' Union ... Respondent

**WITH
WRIT PETITION NO. 1794 OF 2008**

Paints Employees Union ... Petitioner
VS.
Kansai Nerolac Paints Ltd. & Anr. ... Respondents

**WITH
WRIT PETITION NO. 2063 OF 2007**

Paints Employees Union ... Petitioner
VS.
Kansai Nerolac Paints Ltd. ... Respondent

**WITH
WRIT PETITION NO. 759 OF 2010**

Paints Employees Union ... Petitioner
VS.
Kansai Nerolac Paints Ltd. ... Respondent

**WITH
WRIT PETITION NO. 779 OF 2010**

Kansai Nerolac Paints Ltd. ... Petitioner
VS.
Paints Employees Union ... Respondent

**WITH
WRIT PETITION NO. 1227 OF 2010**

Paints Employees Union ... Petitioner
VS.
Kansai Nerolac Paints Ltd. & Ors. ... Respondents

**WITH
WRIT PETITION NO. 1894 OF 2014**

Kansai Nerolac Paints Ltd.	...	Petitioner
vs.		
Paints Employees Union	...	Respondent

**WITH
WRIT PETITION NO. 2715 OF 2016**

Kansai Nerolac Paints Ltd.	...	Petitioner
vs.		
Paints Employees Union & Anr.	...	Respondents

**WITH
WRIT PETITION NO. 820 OF 2017**

Paints Employees Union & Anr.	...	Petitioners
vs.		
Kansai Nerolac Paints Ltd. & Ors.	...	Respondents

**WITH
WRIT PETITION NO. 239 OF 2017**

Paints Employees Union & Anr.	...	Petitioners
vs.		
M/s. Goodlass Nerolac Paints Ltd. & Ors.	...	Respondents

A/W.
**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3155 OF 2008**

Paints Employees Union	...	Petitioner
vs.		
Kansai Nerolac Paints Ltd. & Ors.	...	Respondents

Mr. Sanjay Udeshi a/w. Mr. R.N. Shah and Mr. Netaji Gawade i/b. M/s. Sanjay Udeshi & Co. for the petitioners in WP Nos. 1591/2007, 779/2010, 1894/2014, 2715/2016 and for the respondents in WP Nos. 2063/2007, 3155/2008 (A.S.), 1794/2008, 759/2010, 1227/2010, 820/2017 and WP No. 239 of 2017.
Ms. Meena H Doshi for the petitioners in 1794/2008, 2063/2007,

3155/2008 (A.S), 759/2010, 1227/2010, 820/2017 and 239 of 2017 and for respondents in WP Nos. 1591/2007, 779/2010, 1894/2014, 2715/2016.

CORAM :- G. S. KULKARNI, J.
DATE :- OCTOBER 5, 2021

PC :-

1. This Court in its order dated 7 February, 2019 passed on Writ Petition No. 239 of 2017, has observed that in pursuance to an agreement dated 7 February, 2019 entered between the parties and by consent of the parties, the disputes between the parties, subject matter of these proceedings be referred to mediation. Accordingly, Mr. V.P. Vaidya, Advocate was appointed to undertake such mediation between the parties. Learned Mediator held several meetings with the parties and their advocates and after marathon efforts succeeded in bringing about settlement between the workmen and management.

2. The final settlement between the parties, is arrived at an amount of Rs.5,50,00,000/- to be paid by the management to 191 workmen. After the settlement on the said amount was arrived, the learned mediator took substantial efforts to resolve the issues on the distribution and/or proportion of amounts payable to the 191 workmen.

3. Learned mediator has prepared a "mediation report" and has

forwarded the same to the learned Prothonotary and Senior Master of this Court along with his letter dated 28 September, 2021. He also enclosed a copy of the Memorandum of Settlement dated 27 September, 2021 as arrived between the parties under section 2(P) r/w. Section 18(1) and Rule 62 of the Industrial Disputes Act, 1947. A copy of the mediation report along with these annexures are accordingly taken on record and marked 'X' for identification

4. It is agreed between the parties that these petitions be disposed of in terms of the said settlement arrived between the parties. It is ordered accordingly.

5. In addition to the said Memorandum of Settlement, a copy of the Addendum Memorandum of Settlement dated 1 October, 2021 as entered between the parties, in respect of workmen who are parties in Writ Petition Nos.759 of 2010, 779 of 2020 and 820 of 2017 ,is tendered by the learned Advocates for the parties, which is also taken on record of these petitions and marked 'X-1' for identification. As desired by the parties these petitions are also disposed of in terms of Addendum Memorandum of Settlement dated 1 October, 2021.

6. In terms of paragraph 4 of the Addendum Memorandum of Settlement, an amount of Rs.1,60,000/- was deposited in this

Court pursuant to an order dated 10 April, 2017 passed by this Court. Such amount along with the accrued interest is required to be returned to the petitioner-management in Writ Petition No. 2715 of 2016 . Office to do the needful and permit the petitioner-management to withdraw the said amount. This process be undertaken within a period of two weeks from today.

7. The Court appreciates the efforts taken by learned mediator in taking up the herculean task of mediating and settling the disputes between the parties. Also Ms. Meena Doshi, learned counsel for the workmen and Mr.Udeshi for the management would place on record their respective appreciation and on behalf of their clients, to such efforts of the learned mediator.

8. The Writ Petitions stand disposed of accordingly. No costs.

(G. S. KULKARNI, J.)