

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 19th day of April 2021

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE K.GNANAPRAKASAM (Retd.)
and

Member

Mr.P.Ganesan

CRL.RC.No.68 of 2018

Criminal Revision Petition filed to set aside the order dated 03.10.2016 made in C.A.No.25 of 2016 on the file of Principal District Sessions Court, Krishnagiri dismissing the appeal and confirming the order dated 02.05.2016 and made in STC.No.15 of 2009 on the file of the Chief Judicial Magistrate, Krishnagiri.

Syed Nazeer ... Petitioner/Appellant/Accused

Vs.

The Assistant Director
Industrial Security & Safety
(Inspector of Factories)
Hosur.

... Respondent/Complainant

This case came up for settlement before the Lok Adalat on 15.03.2021. Both the parties were present. Mr.N.A.Nissar Ahamed, the learned Advocate for the petitioner and Mr.S.Santhosh, Deputy Director of Industrial Safety and Health, Hosur appeared, as party in person. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

The petitioner agreed to pay the licence fee together with surcharge upto 10.02.2021, which comes to Rs.11,520/-, which has already been paid on 10.02.2021 and the same is acknowledged by the respondent.

2. The petitioner has already submitted the necessary plan and the same was duly approved by the Joint director of industrial safety and health, Hosur and same is recorded.

3. The petitioner has also paid the testing fees and the same is acknowledged by the respondent.

4. Under section 92, of the Factories Act, 1948 if there is any contravention of any of the provisions of the Act or Rule, the occupier/owner of the factory is liable to be punished with imprisonment for two years or with fine which may extend to 1,00,000/- (one lakh) or with both. It is submitted by both the parties that no minimum amount of fine is fixed under the Act. Now that the parties have settled the matter and also complied with all the contravention made, the respondent is ready and willing to compound the matter by receiving a sum of Rs.10,000/- (Rupees Ten Thousand only) as fine amount and the petitioner also agreed to pay the said amount today itself i.e. on 15.03.2021 and the matter was passed over. Then by 1.30 p.m. it was reported that the petitioner could not pay the amount today. At request, it was posted to 19.04.2021.

5. Today the petitioner advocate is present and submitted that the amount has been remitted in District Treasury at Krishnagiri towards the account of Commissionerate of Labour Welfare Fund, Chennai in A/c No.023000800AG22799 on 30.03.2021 and also produced a copy of the challan to that effect.

6. The petitioner has also produced copy of Acknowledgement given by S.Santhosh, Deputy Director Industrial Safety and Health, Hosur.

7. There is no representation on behalf of the respondent. But however the respondent has furnished the remark dated 14.04.21, wherein he has admitted and acknowledged the amount remitted by the petitioner. He also stated that the deposit was made in line with associated laws and in view to arrive at a conclusion for settlement before the Lok Adalat. He also requested further suitable orders may be passed. The copy of the said remarks has been produced by the petitioners.

8. In view of the statement made by the petitioner and production of challan for the payment and acknowledgement of the same, this Forum is satisfied that the petitioner has deposited the amount. It is held that the matter is settled and the same is recorded.

9. In view of above said settlement there shall be an award to that effect and the petitioner viz., the occupier owner of the factory is absolved from all other liabilities. The respondent agreed to withdraw all the Criminal proceedings taken by them in STC.No.15 of 2009 on the file of the Chief Judicial Magistrate, Krishnagiri and all other connected proceedings. The petitioner also agreed to withdraw the appeal filed in C.A.No.25 of 2016 before Principal District Sessions Court, Krishnagiri and from all other Forums. The award is passed accordingly.

10 The terms of settlement shall form part of the Award.

11. The full Court fee shall be refunded to the petitioner in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994 and there shall be no demand for additional Court fee.

Sd/-
Syed Nazeer

Sd/-
Counsel for the Petitioner

Sd/-
The Assistant Director
Industrial Security & Safety
(Inspector of Factories)
Hosur.

Sd/-
Party - in - person

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar(L.A.)

//True copy//

Sub Assistant Registrar

adl

Copy to:

- 1.The Principal District Sessions Court, Krishnagiri.
- 2.The Chief Judicial Magistrate, Krishnagiri.
- 3.The Section Officer, V.R.Section,
High Court, Madras. 2 Copies
- 4.The Section Officer, Lok Adalat Section,
High Court, Madras.+2 copies

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SSM(CO)
GMY(17/06/2021)