

19.07.2022
rc/ct.no.10
Item No.01

WPA No. 4741 of 2014
With
CAN No. 1 of 2019 (Old No.CAN/9853/2019)
And
CAN No. 2 of 2022
Messrs Bihani Chemical Industries (P) Ltd. & Anr.
Versus
First Labour Court & Ors.
And
WPA No. 3476 of 1998
With
CAN No. 1 of 1998 (Old No. CAN/4831/1998)
Messrs Bihani Chemical Industries (P) Ltd. & Anr.
Versus
State of West Bengal & Ors.

Mr. Ranjay De ...for the petitioners

Mr. Nayan Rakshitfor the respondents no. 3

Re : CAN No. 1 of 2019 (Old No.CAN/9853/2019)

The original copy of the application is not with the record. Learned counsel appearing for the applicant/petitioner produces a photocopy of the application which is treated as the original copy of the application till the original copy of the application is traced out. Let the said photocopy of the application be taken on record.

This is an application for substitution.

The applicants pray for their substitution in place of the respondent no. 3. who has expired during pendency of the writ petition.

The substitution petition has been filed within the statutory period of time.

In view of the same CAN No. 1 of 2019 (Old No.CAN/9853/2019) is allowed.

The cause title of the writ petition be amended accordingly.

Re : WPA No. 4741 of 2014
And
CAN No. 2 of 2022

It is submitted by the learned counsels appearing on behalf of the petitioners and the respondent no. 3 that the dispute between the parties has been amicably settled. The parties pray for disposal of the writ petition in terms of the Memorandum of Settlement by and between the parties dated June 29, 2022.

By an order dated November 16, 2014 passed by a Coordinate Bench in W.P.No.4741(W) of 2014, the order impugned under Section 33(C)(2) of the Industrial Disputes Act was stayed subject to the condition that the petitioners shall pay a sum of Rs.1.03 lakh to the private respondent within a week from date and shall secure the balance amount either by furnishing a bank guarantee to the satisfaction of the Registrar General of this Court or making a cash deposit with the learned Registrar General within a period of three weeks from the date of payment of Rs.1.03 lakh. The bank

guarantee was furnished before the learned Registrar General in compliance with the said order and was renewed from time to time.

Admittedly the amount decided in the Memorandum of Settlement has been received by the authorised representative of the respondents.

In view of the submission made by the learned counsels appearing on behalf of the parties, the writ petition being WPA No. 4741 of 2014 is disposed of in terms of the Memorandum of Settlement dated June 29, 2022.

The connected application being CAN No. 2 of 2022 is disposed of accordingly.

The bank guarantee furnished by the petitioners before the learned Registrar General of this Court be released.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

Re : WPA No. 3476 of 1998
With
CAN No. 1 of 1998 (Old No. CAN/4831/1998)

In view of disposal of the writ petition being WPA No. 4741 of 2014 no further relief is required to be granted to the petitioners in the instant writ petition.

Hence, WPA No. 3476 of 1998 is disposed of without any order as to costs.

The connected application being CAN No. 1 of 1998 (Old No. CAN/4831/1998) is disposed of accordingly.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)