

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

WRIT PETITION NO.11006 OF 2021

**T. B. R. INFRA PVT LTD. THROUGH ITS AUTHORISED OFFICER
VERSUS
GANESH JALINDAR YELPALE AND OTHERS**

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Advocate for Petitioner : Mr. Ajay G. Talhar
Advocate for Respondent No.1 : Mr. Shrikant Patil

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th AUGUST, 2022

PER COURT :

1. The petitioner is aggrieved by the *ex parte* judgment and order dated 06/07/2021, passed by Labour Court, Dhule, in application bearing IDA No.03/2018, filed by respondent No.1.
2. Respondent No.1 filed application under Section 33 C(2) of the Industrial Disputes Act, 1947, against the petitioner and respondent Nos. 2 and 3, seeking recovery of amount of Rs.57,823/- towards various admissible dues, including overtime etc. In the said application, though the opponents were served with the notices, they failed to appear before the Labour Court and the matter proceeded *ex parte*. By the impugned judgment, Labour Court has allowed the application filed by respondent No.1 and directed the petitioner and respondent Nos. 2 and 3 to pay amount of Rs.57,823/- to respondent No.1 alongwith interest at the rate of 5% per annum. This order is impugned in the present petition.

3. Having heard the learned advocate for petitioner and learned advocate for respondent No.1, and on going through the impugned order, it is clear that *ex parte* order is passed by the Labour Court, Dhule. The petitioner though assailed this order on merits, this Court is not inclined to consider the merits of the same, as the impugned order is liable to be quashed and set aside only on the ground that it is an *ex parte* order. Opportunity to contest the matter on merits needs to be given to the petitioner. Hence, the following order :-

ORDER

- (I) The impugned order is quashed and set aside subject to petitioner paying cost of Rs.10,000/- to respondent No.1, before Labour Court, Dhule.
- (II) The matter is remanded back to the Labour Court with direction to decide the same on merits after hearing both the parties.
- (III) Proceedings are expedited.

With these directions, writ petition is disposed of.

(NITIN B. SURYAWANSHI, J.)