

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8400 OF 2021**

Lalji Godhoo and Company

.....Petitioner

Vs.

State Of Maharashtra and Ors.

.....Respondents

Mr. Rahul Nerlekar for the Petitioner.

Mr. P. P. Pujari, AGP for State.

Ms. Jane Cox i/by Ghanshyam R. Thombare for Respondent No.3.

CORAM : A. S. GADKARI, J.**DATE : 5th APRIL, 2022.****P.C.:-**

By the present Petition, the Petitioner-Employer has impugned Order dated 27th August, 2021, passed by the Respondent No.2, refusing the permission as contemplated under Section 25-N(1)(b) of the Industrial Disputes Act, 1947 (for short “the said Act”) is an Application filed by the Petitioner.

2. Ms. Jane Cox, learned counsel appearing for Respondent No.3 fairly conceded to the settled position of law that, the Application under Section 25-N(1)(b) of the said Act has to be decided prior in point of time by the concerned Competent Authority and there is no provision under Section 59 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short “MRTU & PULP Act”) for deciding the said Application.

3. As there is consensus between the learned counsel for the Petitioner and Respondent No.3 that, an Application filed under Section 25-N(1)(b) of the said Act needs to be decided prior in point of time, the impugned Order dated 27th August, 2021, passed by the Respondent No.2 on the basis that, the proceedings under Section 59 of MRTU & PULP Act is subjudiced before the Labour Court, is hereby set aside and the Application filed by the Petitioner dated 30th April, 2021 under Section 25-N(1)(b) of the said Act, is remanded back for its consideration afresh to the Respondent No.2.

4. It is needless to mention that, the Respondent No.3 is entitled to file appropriate proceedings before the Labour Court after the decision of the Competent Authority under Section 25-N(1)(b) of the said Act.

It is further made clear that, the present Order will not affect the proceeding bearing Complaint (ULP) No.87 of 2021, pending before the Labour Court.

5. Petition is accordingly disposed off, in the aforesaid terms.

(A.S. GADKARI, J.)