

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7239 OF 2021

Maharashtra Navnirman Kamgar Sena ..Petitioner
vs.
M/s. Amtek Auto Limited ..Respondent

Mr. Nitin A. Kulkarni for petitioner.
Mr. K. S. Bapat i/b. Mr. Jayesh K. Desai for respondent.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 14, 2022.

P.C. :

1. The petitioner-Maharashtra Navnirman Kamgar Sena filed a complaint of unfair labour practice before the Industrial Court, Pune for various reliefs. Interim relief was also prayed for *inter alia* that respondent-Company may be restrained from terminating the services of the complainant-Union. During the pendency of the complaint, the Company made an application at Exhibit 'C-4' for stay of the proceedings in view of Section 14 and Section 238 of the Insolvency and Bankruptcy Code, 2016. The Industrial Court by the impugned order passed below Exhibit 'C-4'

dated 07.07.2021 allowed the application by passing the following order :-

"1. The application is allowed.

2. The present matter is stayed till the completion of the Corporate Insolvency Resolution Process in respect of respondent company commenced by the order of the Hon'ble National Company Law Tribunal, Chandigarh Branch in matter No.CP(IB)No.42/Chd/Hry/2017."

2. Pursuant to the filing of this writ petition, for bringing the subsequent events on record, affidavit dated 21.06.2022 is filed on behalf of the petitioner. In paragraph 3 it is pointed out that the Resolution Plan has been submitted by Deccan Value Investors which was approved by the National Company Law Tribunal (hereafter "NCLT" for short) and that the new board has been constituted on 08.12.2021 and thus, since new board was constituted nothing remained before the NCLT, hence, in view of the subsequent development, the order dated 07.07.2021 passed by the Industrial Court should be set aside.

3. Having regard to the express nature of the impugned order, now that these are no proceedings pending before NCLT, it is open for the petitioner to bring this aspect to the

notice of the Industrial Court to enable it to proceed accordingly.

4. In this view of the matter, liberty is granted to the petitioner to make an appropriate application before the Industrial Court placing on record these subsequent developments to enable it to proceed in accordance with law.

5. Writ Petition is disposed of.

(M. S. KARNIK, J.)