

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3527 OF 2021

M/s Simplex Mills Co. Ltd. Thr. Its Authorised Signatory Shrikushna Namdevrao Pawar, Akola
-vs-
State of Maharashtra, Thr. Secretary, Industries, Energy and Labour Dept., Mantralaya, Mumbai
and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. S. Kaptan, Senior Advocate with Shri P. K. Mohta, Advocate
for petitioner.
Shri A. M. Deshpande, Additional Government Pleader for
respondents.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : February 17, 2022

P.C.

Rule. Rule made returnable forthwith and heard the
learned counsel for the parties.

The petitioner-Company was engaged in the business of
manufacturing Fabrics. It moved an application under Section
25-O of the Industrial Disputes Act, 1947 on 25/07/2008
seeking permission to close down the undertaking. This
application was allowed on 25/09/2008 by the Commissioner
of Labour. On a reference made to the Industrial Tribunal under
Section 25-O(5) of the said Act, an award was passed on
09/04/2014 recording a compromise therein. Permission was
granted to close down the undertaking based on such

compromise. The petitioner thereafter took steps to obtain necessary permission for selling/developing its property. An application dated 03/12/2015 was moved by the petitioner before the Commissioner of Labour seeking such no-objection. On 03/11/2020 the Assistant Commissioner of Labour, Akola after examining the claims of the workers who were engaged in the petitioner's Company recommended grant of such no objection certificate subject to clearing the liabilities mentioned therein. It is the grievance of the petitioner that till date the request for issuance of no objection certificate has not been considered by the Commissioner of Labour and hence the present writ petition has been filed.

2. Shri C. S. Kaptan, learned Senior Advocate for the petitioner submits that despite grant of closure permission the petitioner is unable to sell/develop its property for want of no-objection by the respondent No.2. Despite lapse of more than five years the petitioner's application dated 03/12/2015 remains undecided.

The learned Additional Government Pleader initially sought time to file reply to the averments made in this writ petition. It is however seen from the record that the application

dated 03/12/2015 filed by the petitioner for grant of no-objection certificate followed by a reminder dated 18/03/2021 is still pending with the respondent No.2. In these facts, we find that the interests of justice would be served if the respondent No.2 is directed to take a decision on the application dated 03/12/2015 submitted by the petitioner seeking grant of no-objection to sell/develop its property.

Accordingly the writ petition is disposed of by directing the respondent No.2 to take a decision on the application dated 03/12/2015 seeking issuance of no-objection certificate for selling/developing the property of the petitioner within a period of six weeks from the production of this order before the respondent No.2. The request shall be considered on its own merits in accordance with law.

The writ petition is allowed in aforesaid terms. Rule accordingly. No costs.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)

Asmita