

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

MISC. CIVIL APPLICATION NO.1160 OF 2017 IN
WRIT PETITION NO. 4207 OF 2008(D)

M/s. Bal Vidhya Prakashan Tilak Road, Mahal Nagpur through its Partners
and another

Vs.

Prakash Baliramji Hiwase and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Shantanu Ghate, Advocate for applicants.
Shri J.L. Bhoot, Advocate for non-applicant no.1.

CORAM : AMIT B. BORKAR, J.
DATE : JULY 18, 2022.

By this application, the applicant is seeking the review of order dated 22.08.2017. During the course of hearing, the Advocate for the applicant restricted his submission only to the part which imposes interest of 9% per annum on the petitioner. The paragraph 10 of the order reads as under:

“10. The petitioner shall pay the balance arrears of back wages to the legal representatives within a period of four weeks from today. In the event of failure to pay such arrears, interest @9% per annum shall be paid by the petitioner on the unpaid balance.”

2. It appears that from the record that the applicant has filed present application on 17.07.2017 i.e. within a period of four weeks as contemplated by the paragraph 10 of the

order. Thereafter, by order dated 26.07.2019 this Court protected the applicant directing not to take coercive steps against the applicant for recovery of remaining amount of 50% of backwages. The Advocate for the applicant therefore submitted that this Court by imposing interest of @9% per annum on failure to pay within four weeks from said order has exceeded its jurisdiction as the Labour Court had not granted interest on the amount of backwages.

3. In my opinion, this Court could have been granted interest @9% per annum in absence of such direction by the Labour Court while disposing the Reference. It needs to be noted that applicant filed review within four weeks and this Court protected applicant by ad-merum order on 25.07.2019. Therefore, interest of justice would be served if the period of payment of interest @9% per annum as directed by this Court can be restricted till the grant of protection till 25.07.2019. In that view of the matter, to balance equities between the parties, order dated 22.08.2017 is modified to following extent:

- i. The petitioner shall pay interest on arrears @9% per annum till 25.07.2019.
- ii. With this modification, the review application stands disposed of.

JUDGE

Wagh