

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

WRIT PETITION NO.8283 of 2022

Ganesh Sitaramji Sarve

vs.

Nathu Dinanath Gajapure, Election Officer and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.B.Khan, Advocate for petitioner.

CORAM :- A.S.CHANDURKAR AND ANIL L. PANSARE, JJ.,
DATE :- DECEMBER 21, 2022

The petitioner seeks to challenge non-consideration of his objection to the list of membership for elections to be held at Hindustan Composites Limited.

We find that the said Company is a private limited company and elections are being conducted internally by the Election Officer. Both the respondents in the writ petition are private parties and hence the writ petition under Article 226 of the Constitution of India preferred against such private parties would not be maintainable.

We requested Shri R.S.Sundaram, learned counsel, who is present in the Court, to examine the availability of any alternate remedy for the petitioner. He submits that under the Industrial Relations Code, 2020 and especially Clause 22 thereof such dispute can be entertained by the Tribunal as constituted under Section 2(zn) which means the Industrial Tribunal.

With liberty to the petitioner to invoke such remedy, the writ petition is not entertained and it is disposed of as such. All points raised in the writ petition are kept open. No costs.

We acknowledge for assistance rendered by
Shri R.S.Sundaram, Advocate.