



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.6493 & 6508 of 2022
and WMP.Nos.6580 & 6584 of 2022

1. BMW India Private Limited,
Represented by its Head - Plant Human
Resources & Administration,
Mahindra World City, Kachadimangalam,
Chengalpattu-603 002.

..Petitioner in W.P.No.6493 of 2022

2. Hyundai Motor Private Limited,
Represented by its Authorized Signatory /
Manager (Legal & Secretarial)
Plot No.H-1, SIPCOT Industrial Park,
Irungattukottai, Sriperumbudur Taluk,
Kanchipuram District,
Tamil Nadu-602 117.

..Petitioner in W.P.No.6508 of 2022

vs.

1. The Renault Nissan India Thozhilalar Sangam,
Rep. By the Secretary,
Reg.No.TVR/501, through its Secretary,
4th Floor, CJ Complex,
149, Thambu Chetty Street, Chennai-600 001.

2. The Management of
Renault Nissan Automotive India Private Limited,
Rep. Vice President - Human Resources
Plot No.1, SIPCOT Industrial Complex,
Oragadam, Sriperambudur Taluk,
Mattur Pot, Tamil Nadu-602 105.

3. The Arbitrator,
appointed under Section 10-A of the Industrial
Disputes Act, 1947,
No.183, EVR Periyar Salai (Poonamallee High Road),
Kilpauk, Chennai-600 010.

..Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the
Constitution of India praying for issuance of a Writ of



Certiorari calling for the records of the third respondent and quash its Proclamation Order dated 15.02.2022.

In both W.Ps.

For Petitioner : Mr. Anand Gopalan
for Mr.T.S.Gopalan and Co.

For Respondents : Mr.V.Prakash, Senior Counsel
for Mr.Maithreyi Canthasamy Sharma for R1
Mr.Sai Prasad
for M/s.Sai Raa Associates for R2

COMMON ORDER

The petitioners, challenging the impugned Proclamation Order dated 15.02.2022 passed by the third respondent, have filed the present writ petitions.

2. Mr.Sai Prasad, learned counsel for the second respondent/Management has filed a common typed set of papers on behalf of the second respondent wherein he has enclosed the copy of the order dated 28.01.2022 passed in I.A.Nos.1 and 2 of 2022 in Arbitration Industrial Dispute No.1 of 2021 by the learned Arbitrator.

3. Mr.V.Prakash, learned Senior Counsel for the first respondent Union would submit that the petitioners have raised the dispute with regard to power of the Arbitrator by following the procedure as contemplated under Section 11(3) of the Industrial Disputes Act, 1947. The learned Senior Counsel further submits that the learned Arbitrator has gone in to the powers of the Arbitrator and issued summons to the petitioners Management for production of documents and passed a reasoned order and consequently, the impugned Proclamation Orders have been issued.

4. Mr.Anand Gopalan, learned counsel for the petitioners would submit that though the petitioners have been made as parties in I.A.Nos.1 and 2 of 2021, they have not received any notice from the office of the Arbitrator and therefore, the impugned Proclamation Orders have been passed without providing any opportunity to the petitioners.

5. After advancing elaborate arguments, learned counsel for the petitioners has relied upon Section 11(1) of the Industrial Disputes Act, 1947 and seeks liberty to file appropriate application before the learned Arbitrator to recall / set aside the orders passed by the learned Arbitrator.



6. In view of the said submission, this Court grants liberty to the petitioners to file appropriate application before the learned Arbitrator seeking to recall / set aside the orders passed by the learned Arbitrator under the provisions of the Industrial Disputes Act, 1947, within a period of five days from the date of receipt of a copy of this order. It is made clear that till such time, no coercive steps shall be taken as against the petitioners.

7. With the above direction, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Arbitrator,
appointed under Section 10-A of the Industrial
Disputes Act, 1947,
No.183, EVR Periyar Salai (Poonamallee High Road),
Kilpauk, Chennai-600 010.

Copy to
The Section Officer,
ER Section,
High Court,
Madras.

+2ccs to M/s.T.S.Gopalan & Co, Advocates, SR.NO.35200, 35201

W.P.Nos.6493 & 6508 of 2022

MG(CO)
KKV/15/06/2022