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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5338 of 2023

M/s. Lagan Engineering Company Limited
Vs.
State of West Bengal & Ors.

Mr. Soumya Majumder
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Sneha Singh
Ms. Bipasha Jaiswal
... For the petitioner.

Mr. Uddipan Banerjee
... For the respondent no.3

Challenging the orders dated 9th December, 2022, 4th January, 2023 and 30th January, 2023, passed by the learned Third Industrial Tribunal, Kolkata, in Case No. 04 of 2021 under Section 10 (1B)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), the present writ petition has been filed.

Mr. Majumder, learned advocate representing the petitioner submits that the learned Third Industrial Tribunal by an order dated 30th January, 2023 has been pleased to not only close the cross-examination of PW-1 but also debarred the petitioner from adducing evidence. He says that the Tribunal did not take into consideration the fact that the petitioner had been prevented by sufficient cause from cross-examining the PW-1 on 4th January, 2023 and on 30th January, 2023.

Mr. Banerjee, learned advocate representing the respondent no.3 on the other hand submits that the dispute on hand can easily be resolved. He says that if the petitioner is ready and willing to cross-examine the PW-1 on a particular date and conclude the same on the said date, he has no objection if PW-1 is recalled for cross-examination. He only objects to the cross-examination being continued for days together.

Heard the learned advocates appearing for the respective parties and have taken into consideration the materials on record. Taking into consideration the suggestion made by Mr. Banerjee and for the ends of justice, I am of the view that the petitioner should be granted an opportunity to cross-examine PW-1, whose cross-examination was closed by an order dated 4th January, 2023.

Having regard to the above, I permit the petitioner to cross-examine PW-1 on the next available date fixed before the Tribunal. It is made clear that in that in the event the petitioner is not in a position to conclude the cross-examination on the said date an endeavour should be made to conclude the cross-examination as early as possible but not later than one month from the date of communication of this order.

Since, this Court has already permitted the

petitioner to cross-examine the PW-1, the petitioner shall also be entitled to adduce evidence.

To the extent as aforesaid, the orders dated 4th January, 2023 and 30th January, 2023 passed by the learned Third Industrial Tribunal, Kolkata, in Case No. 04/2021 under Section 10(1B)(d) stands modified.

With the aforesaid direction, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)