

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6612 OF 2023

Posco Maharashtra Steel Pvt. Ltd. ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents.

...

Mr. Meelan Topkar a/w. Mr. Vijay Vaidya a/w. Mr. Mahendra Agvekar
a/w. Ms. Shraddha Chavare for the Petitioner.

Mr. N. K. Rajpurohit, Assistant Government Pleader for Respondent
Nos.1 to 3 - State.

...

**CORAM: NITIN JAMDAR &
SANDEEP V. MARNE, JJ.
DATE : 07 AUGUST 2023.**

P.C.:

1. Heard learned counsel for the parties.
2. The Petitioner is a Private Limited Company, a Principal Employer within the meaning of Section 2(g) of the Contract Labour (Regulation and Abolition) Act 1970. The Petitioner has made an application for amendment to the Register maintained by the Respondent No.2. Grievance of the Petitioner is that this application is kept pending without decision thereupon.

3. Reply Affidavit is filed by the Respondent No.1 and 2, where at one place, the deponent has stated that the Petitioner's application is pending, however on the website maintained by Respondent No.1 and 2, it has been shown as rejected. Learned AGP states that the application is kept pending as there are certain compliances to be made by the Petitioner and also because of certain grounds against it. The reply also states that if the application is rejected then Petitioner has a remedy of filing of an appeal under Section 15 of the Act of 1970.

4. Rules of 1971 are framed under the Act of 1970. The Chapter III of the Rules of 1971 deal with registration and license. Rule 17 provides for making application for registration of establishment. Rule 18 deal with grant of certificate of registration which reads thus-

“18. Grant of certificate of registration.—(1) The certificate of registration granted under sub-section (2) of section 7 shall be in Form II.

(2) Every certificate of registration granted under sub-section (2) of section 7 shall contain the following particulars, namely:—

(a) the name and address of the establishment;

(b) the maximum number of workmen to be employed as contract labour in the establishment;

(c) the type of business, trade, industry, manufacture or occupation which is carried on in the establishment;

(d) such other particulars as may be relevant to the employment of contract labour in the establishment.

(3) The registering officer shall maintain a register in Form III showing the particulars of establishment in relation to which certificates of registration have been issued by him.

(4) If, in relation to an establishment, there is any change, in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the

registering officer, within thirteen days from the date when such change takes place, the particulars of, and the reasons for such change.”

If under Rule 18(4), the principal employer intimates to the registering officer that there has been change in the Register and amendment needs to be carried out, the power is vested in such officer under Rule 20(2) to carry out such an amendment. Rule 20(2) reads thus-

20. Amendment of certificate of registration.— (1) *Where, on receipt of the intimation under sub-rule (4) of rule 18, the registering officer is satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to 1[pay] a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce the [demand draft] showing such deposit.*

(2) *Where, on receipt of the intimation referred to in sub-rule (4) of rule 18, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change which has occurred:*

Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment:

Provided further that the registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

6. Having made an application under the above Rules, the Petitioner must be clearly informed as to whether Petitioner's intimation for amendment to the Register is to be granted or refused so that Petitioner can arrange its affairs accordingly. If according to the Respondents, if the Petitioner is not carrying out certain compliances, then an appropriate cause of action giving reasonable time to the Petitioner and if the documents are not supplied, then necessary order as per law can be passed. Therefore, we find merit in the grievance of the Petitioner about non-communication of the decision.

7. The Respondent Nos.1 and 2 are directed to communicate to the Petitioner as to whether the power under Rule 20(2) can be exercised in Petitioner's case or not. As to whether exercise of the power is required or not is left to the Authority, who would take decision after taking into consideration all aspects thereof as per the governing Act and Regulations. Writ Petition is accordingly disposed of.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.

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