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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8811 OF 2021**

Skoda Auto Volkswagen India Pvt. Ltd. ... Petitioner

vs.

State of Maharashtra and Ors. ... Respondents

Mr. Kiran Bapat a/w. Mr. T. R. Yadav i/b. Mr. Avinash H. Fatangare for the Petitioner.

Mr. R. P. Kadam, AGP for Respondent nos. 1 and 2 – State

Mr. Nitin Kulkarni a/w. Mr. Avinash R Belge for Respondent nos. 3 to 4, 6 to 9, 11 to 19, 21 to 33, 35 to 36, 39 to 43, 45, 47, 49 to 51, 53 to 56, 66 to 112, 114 to 117 and 119 to 120.

**CORAM : S.V. GANGAPURWALA, ACJ. &
SANDEEP V. MARNE, J.**

DATED : 18 JANUARY, 2023

P.C. :-

1. We have heard the learned counsel for the petitioner and the learned counsel for the respondents. The petitioner has challenged order of Reference made by respondent no. 2. The learned counsel for the petitioner submits that the petitioner had filed say and had brought to the notice that the respondents herein are 'Trainees'. The judgment of this court was also referred to, but under wrong premise of petitioner's absence, orders in Reference are passed.

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2. Learned Advocate for the respondent submits that the reference is already made and the authority where the reference is expected to consider all the aspects on merits. That the petitioner on its own volition did not remain present. No error has been committed while passing order.

3. We have perused the order. In the order, it is observed that the petitioner remained absent. However it appears on 15 October 2020 the say was filed by the petitioner referring to the judgment of this court and that earlier reference filed by one Mr. Nilesh Sapkal was rejected.

4. In view of the fact that say filed by the petitioner has not been considered and that the petitioner was shown as absent, we are not considering the matter on merits. We are inclined to grant one more opportunity to the petitioner in view of which the impugned orders of Reference are set aside.

5. The petitioner and respondents shall appear before respondent no. 2 on 6 February 2023. In view of the fact that date for appearance is given, it will not be necessary for the authority to issue fresh notice to the parties.

6. The authorities shall after considering the stand of the petitioner and respondents herein take a fresh decision on its own merits and in accordance with law.

7. Writ Petition is accordingly disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)