

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

WRIT PETITION NO.12398 OF 2022

**VISHAL
SUBHASH
PAREKAR**

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Date: 2023.04.19
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M/s. Sun-N-Sand Hotel

...Petitioner

vs.

Rajendra R. Balmiki

...Respondent

Mr. Ravindra Paranjpe, for the Petitioner.

Mr. Rajendra Balmiki, the respondent in person.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 18, 2023

P.C.:

1. Heard the learned counsel for the petitioner
2. The challenge in this petition is to an order dated 7th June, 2022 whereby the learned Member, Industrial Court at Mumbai was persuaded to condone the delay in preferring the Complaint under section 28 of Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 alleging unfair labour practices. The learned Member was of the view that the applicant had made out a sufficient cause of condonation of delay.
3. The Court, noted that the applicant had, inter alia, ascribed the reason of the exigency of the situation which arose on account of Covid 19 pandemic.
4. The learned counsel for the petitioner submitted that respondent/complainant is alleging unfair labour practices with

regard to the actions of the petitioner in the year 2015. It was further submitted that the complaint is not maintainable before the Industrial Court. All these issues which touch the merits of the complaint.

5. Since the Industrial Court has exercised the discretion to condone the delay on justifiable grounds, there is no reason to interfere with the order in exercise of extraordinary writ jurisdiction.

6. Hence, the petition stands dismissed.

(N. J. JAMADAR, J.)