

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11663 OF 2022

Classic Stripes Privated Ltd. And
anr.

...Petitioners

V/s.

Mr. Nandlal Verma and anr.

...Respondents

WITH

WRIT PETITION NO. 11932 OF 2022

Classic Stripes Privated Ltd. And
anr.

...Petitioners

V/s.

Mr. Dinesh Madhukar
Jambawdekar and Ors.

...Respondents

WITH

WRIT PETITION NO. 11951 OF 2022

Classic Stripes Privated Ltd. And
anr.

...Petitioners

V/s.

Mr. Mahindra Jaywant Bari and
Ors.

...Respondents

WITH

WRIT PETITION NO. 11617 OF 2022

Classic Stripes Privated Ltd. And

...Petitioners

anr.

V/s.

Ms. Shakuntala Bhoir and Ors.

...Respondents

WITH

WRIT PETITION NO. 11619 OF 2022

Classic Stripes Privated Ltd. And

...Petitioners

anr.

V/s.

Mr. Santosh Tatkare and anr.

...Respondents

WITH

WRIT PETITION NO. 11661 OF 2022

Classic Stripes Privated Ltd. And

...Petitioners

anr.

V/s.

Mr. Akhilesh Singh and anr.

...Respondents

WITH

WRIT PETITION NO. 11952 OF 2022

Classic Stripes Privated Ltd. And

...Petitioners

anr.

V/s.

Mr. Sudhir Chopdekar and anr.

...Respondents

WITH
WRIT PETITION NO. 11612 OF 2022

Classic Stripes Private Ltd. And **...Petitioners**
anr.

V/s.

Mr. Pravin Gotad and anr. **...Respondents**

WITH
WRIT PETITION NO. 11930 OF 2022

Classic Stripes Privated Ltd. And **...Petitioners**
anr.

V/s.

Ms. Yogita Vanmali and anr. **...Respondents**

Ms. Madhavi M. Tavanandi, for the Petitioners.

Mr. Avinash Kango, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 7 November 2023.

P.C. :

1. The challenge in the present petition is to the order dated 18 April 2022 passed by the Member, Industrial Court, Thane allowing application at Exhibit-U-7 filed by the Respondents. The application at Exhibit-U-7 was filed by the Respondents seeking a direction to the

Petitioner to produce various documents. The Industrial Court has allowed the application and has passed the following order :

- a. Application at Exh.U-7 is hereby allowed.
- b. Respondents are hereby directed to produce copies of following documents on record on 06.06.2022:

(i) Receipt of full and final settlement amount and other document relating to the settlement of *1. Masslin D'ecuna, 2. Jayashri Naik, 3. Sible, 4. Kalpana Mendis, 5. Baiju, 6. Madhukar Tushamber, 7. Rita Chatterjee and 8. Balaraj.*

(ii) The details of the bank statements of account of respondent company from which the payments are transferred to these eight employees and others employees who has paid in June-2020.

(iii) Balance sheet for the year 2019-2020.

2. Ms. Tavanandi, the learned counsel appearing for the Petitioner would contend that so far as the documents at Sr. No. (i) and (ii) of the operative portion of Industrial Court's order are concerned, the same are already produced alongwith the Affidavit filed on behalf of the Petitioner on 7 June 2023. She would further express a strong reservation for producing the document at Serial No.(iii), being Balance Sheet for the year 2019-2020.

3. Mr. Kango, the learned counsel appearing for the Respondents would, on the contrary, submit that the documents produced by the Petitioner alongwith the affidavit dated 7 June 2023 are vague, heavily masked and impossible for being comprehended. He would submit that the Petitioners have redacted most the entries in the documents

that are produced alongwith the Affidavit dated 7 June 2023 making it impossible for the Respondents to decipher the information out of those documents. He would invite my attention to the Affidavit-in-reply filed on behalf of the Respondents in which it is demonstrated that the Respondents are paid meagre amounts towards compensation as compared to the eight employees whose information is directed to be supplied by the Industrial Court.

4. I have considered the submissions canvassed by the learned counsel appearing for the parties. When the present petition came up before this Court on 2 May 2023 following order was passed:

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the Petitioners seeks time to file an Affidavit to indicate the entries and information which the learned Member, Industrial Court has directed the Petitioners to furnish in the order dated 18 April 2022.
3. Let an Affidavit be filed and copy furnished to the Respondents on or before 9 June 2023.
4. List on 13 June 2023.
5. Ad-interim relief granted earlier shall continue to operate till the next date.

5. According to Ms. Tavanandi, the above leave to disclose the information of Affidavit was granted in view of reservations expressed by the Petitioner in divulging sensitive financial details to Respondents, which are not connected with their service. According to her, Petitioner was granted leave to disclose only the details relating to Respondents on affidavit. In pursuance of the order passed by this

Court, the Petitioner has filed Affidavit dated 7 June 2023 producing their copies of the details of full and final settlement amounts in respect of the eight employees namely 1. Masslin D'ecuna, 2. Jayashri Naik, 3. Sible, 4. Kalpana Mendis, 5. Baiju, 6. Madhukar Tushamber, 7. Rita Chatterjee and 8. Balaraj :

6. Petitioner has also produced the relevant bank statements showing the payments made to those employees. At Exhibit-7 to the Affidavit, the Petitioner has produced copies Memos of full and final settlement signed by those 8 employees reflecting the details of the amounts paid to them. Additionally, the Petitioner has also produced the bank statements with the relevant entries to prove payments made to those employees. Though Mr. Kango has expressed inability on the part of the Respondents to comprehend the information provided in the documents produced by the Petitioner, the Affidavit-in-reply filed on behalf of the Respondents on 6 July 2023 would indicate that the Respondents have been able to decipher the information and have indicated the amounts paid to the eight employees. Therefore, it cannot be accepted that the Respondents are unable to know various details in respect of the eight employees from the documents produced by the Petitioner. Mr. Kango has made strenuous efforts to demonstrate there is no comparison between the amount of compensation paid to the Respondents as compared to those paid to the eight employees and that Respondents are given discriminatory treatment. This is something which needs to be decided by the

Industrial Court. The ambit of the present petition is restricted only to supply of information.

7. This leaves the document at serial no.(iii) of the impugned order dated 18 April 2022 being the Balance Sheet for the year 2019-2020. Ms. Tavanandi has expressed reservation for producing the said document. According to her, Petitioner is a Multi National Company and cannot divulge the sensitive financial information to Respondents. She also submits that the Balance Sheet would otherwise not provide any details with regard to payment of compensation to any particular employee. I am in agreement with Ms. Tavanandi. Even if Respondents are supplied Balance Sheet for the year 2019-20, the same would not disclose details of payments made to individual employees. Respondents desired information with regard to the quantum of compensation paid to the eight employees and the said information alongwith the supporting documents have already been produced by the Petitioner alongwith the Affidavit. In that view of the matter, it is not necessary for the Petitioner to produce Balance Sheet for the year 2019-20.

8. It must also be borne in mind that by order dated 3 October 2023 passed in Writ Petition No.11495 of 2023, this Court has directed decision of the complaints within a period of two months from the date of deposit. In that view of the matter, keeping the present petitions pending would result in delay in decision of the complaints which are pending before the Industrial Court. This is yet

another reason why the issue of supply of documents cannot be kept pending and the Industrial Court is permitted to proceed for deciding the complaints on merits.

9. Accordingly, the present petition is disposed of by modifying the order of the Industrial Court dated 18 April 2022 to the limited extent of clarifying that it will not be necessary for the Petitioner to produce Balance Sheet for the year 2019-20. Respondents shall be at liberty to draw inferences from the documents produced along with the Affidavit dated 7 June 2023 and demonstrate before the Industrial Court that there is difference between the amount of compensation paid to the eight employees and to the Respondent. With the above clarification, the Writ Petitions are **disposed of**. Interim order granted by this Court on 6 October 2022 stands vacated.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2023.11.10
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