

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14177 OF 2023

Nitin Ganpat Dingankar

.. Petitioner

Versus

The Indian Express (P) Ltd

.. Respondent

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- Ms. Samiksha Kanani (appointed by Legal Aid) a/w Prasanna Pawar for Petitioner
- Dr. Abhinav Chandrachud a/w Mr. Amol Joshi, Ms. Tejasvi Ghag and Mr. Shivam Singh i/by Ms. Poorvi Kamani for Respondent

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2023

P.C.:

1. Heard Ms. Kanani, learned Advocate appointed for Petitioner and Dr. Chandrachud, learned Advocate for Respondent.

2. Impugned order in this Writ Petition is an interlocutory order passed below Exh. U-5, an Application moved by Petitioner seeking directions to the Respondent i.e. employer for production of documents in respect of Companies which are / were sister concerns of Respondent. Admittedly, Petitioner was working with Respondent Company namely the Indian Express (P) Ltd. The principal complaint is pending.

3. Dr. Chandrachud has drawn my attention to page 139 wherein list of 20 Companies is appended to the Petition. Petitioner had sought direction to Respondent to furnish details of 19 Companies

apart from the Respondent which is at Sr. No. 3. Dr Chandrachud would submit that the name of Company at Sr. No. 3 has now changed to 'The Indian Express (P). Ltd.'. He would submit that Company listed at Sr. No. 20 has no nexus whatsoever with Respondent Company. That apart he would submit that in so far as other Companies are concerned, the question of considering their gross revenue for the purpose of implementation and application of Majithia Award for determining total revenue and the category in which Petitioner would then be considered would not arise in the present case. Whether it does or does not arise would be a question to be decided on merits after the relevant information is procured. It is seen that in paragraph No. 11 of the impugned order, a statement is recorded that the said record or information sought is not available with the Respondent Company except the record of the Respondent Company itself. Hence, the Application has been rejected.

4. Dr. Chandrachud would submit that 18 Companies apart from Respondent Company that can be seen from the list of Companies at page No. 139 are all Private Limited / Public Limited Companies and they are filing their returns with the Competent Authority i.e. Registrar of Companies (ROC). Hence, the information relating to these 18 Companies would also otherwise be available in the public domain on the website of the Ministry of Corporate Affairs.

That apart if the Petitioner desires any details, he can also procure the same by filing an appropriate Application under the Right to Information Act and / or approach the concerned Registrar of Companies. Ms. Kanani would submit that Petitioner has undertaken the above exercise once but the same was unsuccessful. Be that as it may, Petitioner can undoubtedly access the desired information as prayed for in his Application below Exh. U-5 from the concerned Competent Authority / website and thereafter take further steps to prosecute his Complaint.

5. In view of the above, Petition is disposed of with direction to Petitioner to apply to the concerned Competent Authority under the Right to Information Act in so far as procuring information of these 18 Companies is concerned apart from the Company which is listed at Sr. No. 20. Petitioner can access the above information and thereafter prosecute Reference (IDA) No. 149 of 2019. At the joint request of both the parties, learned Labour Court is directed to dispose of the pending Reference with the above directions within a period of six months from today. Order dated 03.05.2023 passed below Exh. U-5 is sustained.

6. With the above directions, Writ Petition is disposed.

7. Legal fess be paid to Ms. Kanani, learned Advocate appointed to espouse the cause of the Petitioner by the High Court

Legal Aid Services Committee, Mumbai as per rules.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
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AMBERKAR
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