

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2486 OF 2019

The Maharashtra Agro Industries Development ... Petitioner
Corporation Ltd.

Versus

Amar Ganpat Mhatre

...Respondent

Mr. Mahesh Shukla for the petitioner.

Mr. Amar G. Mhatre, respondent present in person.

CORAM: G. S. KULKARNI, J.

DATED: 13 February, 2023

P.C.

1. Heard Mr. Shukla, learned counsel for the petitioner and Mr. Amar Mhatre, respondent appearing in person.

2. The order impugned in this petition is an order dated 18 September, 2017 passed by the Controlling Authority & Judge, Third Labour Court, Mumbai in Application (PGA) No. 4 of 2015 whereby the application as filed by the respondent – Amar Ganpat Mhatre has been allowed directing the petitioner to pay Rs.1,99,720/- along with interest @ 10% towards gratuity difference as per 6th pay commission from the date of his application till its realization. The said order was challenged by the respondent by filing Appeal (PGA) No. 21 of 2017, whereby the learned President, Industrial Court, Mumbai has dismissed the appeal filed by the petitioner and allowed the

appeal of the respondent by an order dated 13 March, 2018 with modification.

The operative part of the order dated 13 March, 2018 reads thus:

“ORDER

- (i) *Appeal (PGA) No. 16 of 2017 is dismissed with no order as to costs.*
- (ii) *Appeal (PGA) No. 21 of 2017 is allowed with no order as to costs.*
- (iii) *The order of the learned Controlling Authority is modified and it would read as under:*

The Opponent is hereby directed to pay an amount of Rs.1,99,720/- (Rupees One Lakh Ninety Nine Thousand Seven Hundred Twenty only) to the applicant along with simple interest @ 10% from the date of retirement, i.e., 30/11/2010 till the payment of the amount.”

3. After the proceedings were heard for sometime, learned counsel for the petitioner fairly states that as the gratuity amount, which was deposited, was already withdrawn by the respondent, insofar as the interest is concerned, the calculation of interest @ 4% from 17 March, 2017 to 12 August, 2018 when this Court stayed the order, can be paid by the petitioner to the respondent. The amount of interest is worked out to Rs.66,729/-. In the facts and circumstances of the case, the offer made by the petitioner appears to be reasonable and is also acceptable to the respondent-Mr. Amar Mhatre who is present in the Court.

4. Accordingly, accepting the statement as made on behalf of the petitioner that the interest amount of Rs. 66,729/- shall be paid to the respondent within a period of six weeks from today, the petition stands disposed of.

5. Needless to observe that in the peculiar facts of the present case, the petitioner has agreed to pay the said amount of interest. The present order in no manner shall be treated as any precedent.

G. S. KULKARNI, J