



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Writ Petition No.7125 of 2022**

**MAHA. STATE COOPERATIVE COTTON GROWERS MARKETING FED.  
LTD., NAGPUR THR. MANAGER (LAW) AND ORS  
VS**

**MAHA. STATE CO-OP. COTTON GROWERS MARKETING FED.  
EMPLOYEES UNION, THR. GEN. SECY., R. P. GAWANDE**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri A.A. Sambaray, Advocate for the Petitioner/s  
Shri A.J. Kadu, Advocate for the Respondent-sole/Caveator

**CORAM : ANIL S. KILOR, J.  
DATED : 04.12.2023**

1. Heard.
2. In this petition, the judgment and order dated 06.10.2022 passed by the learned Industrial Court, Amravati, allowing the Misc. Recovery Application (ULP) No.06/1989 and thereby, issuing the Recovery Certificate to the Collector, Amravati for recovery of amount of Rs.12,67,398.08 ps. along with interest @ 9 % per annum from the date of the judgment till the actual payment, is under challenge.
3. There is a dispute as regards the amount and accordingly, the petitioners as well as the respondent-sole have filed their independent charts along with the names of the employees and the amount which is recoverable.
4. As per the contentions of the petitioners, till date, the petitioners have paid Rs.7 Lakhs and therefore, excess amount paid Rs.3,79,184.25 ps. is recoverable from the respondent.

5. On the other hand, the learned counsel for the respondent has filed a chart, which was also before the learned Industrial Court and basing on the said chart, the Recovery Certificate is issued by the learned Industrial Court, Amravati for the amount of Rs.12,67,398.08 ps.

6. After going through the impugned order, it is apparent on the face of the judgment that, the learned Industrial Court has not recorded any reason, as to why the chart of the respondent was accepted and as to why the chart of the petitioners, was discarded while issuing Recovery Certificate.

7. The learned counsel for the respondent submits that the amount, arrived at by the learned Industrial Court, Amravati is as per the oral evidence led by the respondent.

8. However, after going through the impugned order, it is evident that the learned Industrial Court has not discussed the evidence led by the respondent and the petitioners to arrive at the certain conclusion in respect of the disputed amount.

9. Unless the Court discusses the evidence available on record and observes the reasons for accepting the certain chart and rejecting the other chart, it cannot be said that the order issuing Recovery Certificate, is justifiable.

10. In that view of the matter, I am of the opinion that the matter needs to be remanded back to the learned Industrial Court, Amravati to consider and decide the same afresh, after hearing both the parties. Accordingly, I pass the following order:

- (i) The writ petition is partly **allowed**.

(ii) The impugned judgment and order dated 06.10.2022 passed by the learned Industrial Court, Amravati, is hereby quashed and set aside.

(iii) The matter is remanded back to the learned Industrial Court, Amravati for the deciding the same afresh, after hearing both the parties.

(iv) The learned Industrial Court, Amravati is directed to decide the Misc. Recovery Application (ULP) No.06/1989 afresh, after hearing both the parties, on the basis of the evidence already led by both the parties, within three months from the date of appearance of the parties.

(v) The parties shall appear before the learned Industrial Court, Amravati on **22.12.2023 at 11.00 a.m.**

**11.** In the meantime, the petitioners shall deposit Rs.4 Lakhs in the learned Industrial Court, Amravati, withdrawal of which shall be the subject to the result of the Misc. Recovery Application (ULP) No.06/1989.

Accordingly, the writ petition is disposed of in the above terms. No order as to costs.

**[ANIL S. KILOR, J.]**