



2023:DHC:7518



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 12.10.2023

+ **TR.P.(C.) 16/2020 & CM APPL. 25241/2021**
INDIAN NATIONAL TRADE UNION CONGRESS

..... Petitioner

Through: Mr. S.B. Tripathi, Advocate.

versus

G SANJEEV REDDY & ORS

..... Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Subrodeep Saha and Ms.
Prakriti Bandhan, Advocates for
R-3/UOI.

Mr. Neeraj Shekhar, Dr. Sumit
Kumar & Mr. Karan Tomar, Adv.
for R-4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, seeking transfer of the Suit, being Civil Suit No. 1146/2018, titled as, ***Indian National Trade Union Congress v. Indian National Trade Union Congress (INTUC) & Ors.***, pending before the Court of the learned Senior Civil Judge-cum-Rent Controller, New Delhi District, Patiala House Courts, New Delhi, to this Court, to be heard along with another Suit, being Civil Suit (OS) 384/2019, titled as, ***India National Trade Union Congress v.***

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G. Sanjeev Reddy & Ors., which is pending adjudication before this Court.

2. Learned counsel for the petitioner submits that the two suits raise almost identical issues. He submits that the prayers are also common in the two suits. He submits that the disputes between the parties arise out of the claim of the three groups, led by Mr. K.K. Tiwari (in short 'Tiwari Group'), Mr.G. Sanjeev Reddy (in short 'Reddy Group') and Mr. Chandra Shekhar Dubey (in short 'Dubey Group') respectively, claiming control over the Indian National Trade Union Congress. He submits that the said dispute is pending adjudication in this Court in CS (OS) 384/2019, which is filed by the Dubey Group against the Reddy Group. He submits that the Suit filed by the petitioner that is the Tiwari Group is also against Reddy Group.

3. He submits that by an order dated 10th January, 2020 passed by the Supreme Court in Special Leave Petition (C) 19984/2019, titled as, **Western Coalfields Limited & Anr. vs. Rashtriya Koyla Khadan Mazdoor Sangha & Ors.**, the Supreme Court has stated that it would be for the parties to move to the High Court on the Original Side in the Suit pending before this Court for claiming whatever directions in this behalf. He submits that, therefore, the suit filed by the petitioner herein should also be transferred to this Court so that this Court can have the full view of the dispute.

4. On the other hand, the learned counsels for the respondents submit that the two suits are entirely different in their scope. They submit that, while the suit filed by the petitioner claims that the petitioner is a separate Trade Union other than the Indian National Trade Union

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Congress (INTUC), which has been formed by Mr. G. Sanjeev Reddy and is misusing the name of the petitioner, the Suit pending before this Court has been filed by the Dubey Group claiming that Mr. G. Sanjeev Reddy has in an unauthorized manner taken over the management and control of the Indian National Trade Union Congress (INTUC) and further ascertaining that they are the real Indian National Trade Union Congress (INTUC). They submit that, therefore, the issues to be decided by the respective Courts in the two suits would be entirely different.

5. I find merit in the submissions made by the learned counsels for respondents. In the Suit filed by the petitioner herein, it has been averred that the petitioner is a Federation of Trade Unions, having its registered office at FT-191, Armapur Estate, Kanpur Uttar Pradesh, 208009. It has been further averred that the petitioner came into existence on 3rd May, 1947. It is averred that Indian National Trade Union Congress (INTUC) was registered on 6th February, 2007, with Mr. G. Sanjeev Reddy as its President. The plaint further avers as under:-

“19.That since the name of Defendant No. 1 [Indian National Trade Union Congress (INTUC)] is deceptively similar to that of the plaintiff Federation, for the last 11 years Office Bearers of Defendant No. 1 are representing to the labour Industry and also to at all Fora (National as well International) that they are office bearers of the plaintiff Federation and committing fraud with the labour industry.

20.That since Defendant 2 is an Ex-President of Defendant No. 1 it was easy for him to project defendant No. 1 as plaintiff Federation. It is noteworthy that while making correspondence, Defendant No. 2 drops “(INTUC)” and writes only “Indian National Trade Union Congress” despite the fact that





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*the correct name of his Trade Union is
“Indian National Trade Union Congress
(INTUC)”.*

6. In the suit filed by the petitioner, the petitioner prays for the following reliefs:-

“a) Pass a decree in favour of the plaintiff and against the defendants restraining Office bearers of defendant No. 1 to represent Defendant No. 1 before any local, national or international forum as "Indian National Trade Union Congress".

b) Pass a decree in favour of the plaintiff and against the defendants directing Office bearers of defendant No. 1 to write the complete name of Defendant No. 1, i. e. Indian National Trade Union Congress (INTUC).”

7. On the other hand, the Suit pending before this Court is filed in the name of the Indian National Trade Union Congress (INTUC), that is the defendant No. 1 in the Suit filed by the petitioner. In the said Suit, it has been claimed that Indian National Trade Union Congress (INTUC) was working democratically since inception until the year 2010, when the defendants therein, that is, including Mr. G. Sanjeev Reddy, started claiming to be the office bearers of the same. The said Suit, therefore, is on the managerial control of Indian National Trade Union Congress (INTUC). In the said Suit, following prayers are made:-

“A. Pass a decree of declaration, declaring that the plaintiff is genuine INTUC and also declare the act of the defendant no.1 to 4 in presenting themselves to be the office bearers of the INTUC and any act done in pursuance thereof as illegal and null & void.

B. Pass a decree of declaration, declaring that action of Defendants are null and void, and has no effect on functioning of the plaintiff Union.

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C. Pass a decree of mandatory injunction, directing the defendant no. 1 & 4 to surrender all bank accounts in the name of plaintiff and destroy all the materials including posters, pamphlets showing any connection of the Defendant No. 1 & 4 from the INTUC agents, assigns, representatives or any persons acting for or on behalf of the defendant no. 1 & 4 from representing themselves as the office bearers of the INTUC.

D. Pass a decree of permanent injunction, restraining the defendant no. 1 to 4, their agents, assigns, representative or any other person acting for or on behalf of the defendant No. 1 to 4, from representing themselves as the office bearer or members of the INTUC and from acting as office bearer of INTUC.

E. Pass a decree of permanent injunction, restraining the defendant No. 1 to 4, their agents, assigns, representative or any person acting for or on behalf of the defendant No. 1 to 4, from using the name, letter heads, stationary of the INTUC in any manner or mode including print and electronic media and from collecting the subscription from the workers on behalf of the INTUC.”

8. From the above, it would be evident that the scope and nature of the disputes raised in the two Suits are entirely different. While the Suit filed by the petitioner claims that its name is being misused by another association, that is, Indian National Trade Union Congress (INTUC), the Suit pending before this Court is one of *inter se* disputes between members of the Indian National Trade Union Congress (INTUC) for its managerial control.

9. The order of the Supreme Court referred by the learned counsel for the petitioner also does not suggest that the two separate Suits, raising separate issues and claim, need to be clubbed together.





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10. In view of the above, I find no merit in the present petition, the same along with the pending application stands dismissed.

NAVIN CHAWLA, J

OCTOBER 12, 2023/vp/rp

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