

02.09.2024
Court No.13
Item No.98
AP

FMA 145 of 2020
With
CAN 2 of 2024

Bijoy Biswas
Vs.
Armenian Holy Church of Nazareth & Ors.

Mr. Bikash Ranjan Bhattacharyya, Senior Advocate
Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
Ms. Dipa Roy

...For the Appellant.

Mr. Soumya Majumder

...For the Respondents.

Re.: **CAN 2 of 2024**

1. Sufficient grounds are available to explain the absence of the appellant on 30th April, 2024.
2. The order dated 30th April, 2024 is recalled.
3. The appeal is hence restored to its original file and number.
4. Accordingly, CAN 2 of 2024 is allowed.

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5. The appeal is directed against a judgment and order dated 5th October, 2018 passed by a Single Bench of this Court. By the impugned order, the Court in essence held that the Armenian Holy Church of Nazareth could not be an industry within the meaning of the Industrial Disputes Act, 1947. Reference dated 26th

April, 2018 to the 7th Industrial Tribunal to the appropriate Government was set aside.

6. Having heard Mr. Bikash Ranjan Bhattacharyya, learned senior advocate for the appellant and Mr. Soumya Majumder, learned advocate for the respondents, this Court is of the view that as to whether the Armenian Holy Church of Nazareth, respondent herein, is an industry or not within the meaning of the Industrial Disputes Act must be framed as a preliminary issue and decided first by the tribunal. Sufficient time must thereafter be allowed to the parties before entering into the other issues.

7. With the aforesaid observations, the reference dated 26th April, 2018 may be proceeded with by the 7th Industrial Tribunal, which has now been transferred to the 5th Industrial Tribunal.

8. It is expected that the parties lead evidence on all the issues and the preliminary issue is decided as expeditiously as possible without granting unnecessary adjournments to any of the parties preferably within a period of four months from the date of communication of a copy of this order.

9. Accordingly, FMA 145 of 2020 is allowed and disposed of.

10. There shall be no order as to costs.

11. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)