

D/L.12.
September 12, 2024.
KAUSHIK

WPA No. 15952 of 2024

H. T. Media Limited
Vs.
First Labour Court, Kolkata and Another

Mr. S. N. Mitra,
Mr. Suddhasatva Banerjee,
Mr. V. K. Kedia,

... for the petitioner.

Mr. R. Guha Thakurta,
Ms. S. Senmgupta,

...for the private respondent.

The grievance of the petitioner is directed against an order dated June 3, 2024 passed in a proceeding pending under section 17(2) of the Working Journalist and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955.

It is submitted on behalf of the petitioner that the impugned order has been passed in violation of the principles of natural justice and without providing an opportunity to the petitioner to file a written objection.

Briefly, an application filed by the private respondent for production of the financial records of the petitioner for the years 2007-2008, 2008-2009 and 2009-2010 respectively has been allowed under Article 20E of the West Bengal

Industrial Disputes Rule, 1958 without granting the petitioner company an opportunity to file their written objection.

On behalf of the private respondent, it is submitted that in view of the subsequent orders dated June 27, 2024 and July 3, 2024 respectively passed by the First Labour Court, the proceeding is at the stage of final arguments. It is also submitted on behalf of the private respondent that in terms of an earlier order of Court, the Tribunal has been directed to conclude the proceedings expeditiously. In such circumstances, the proceedings ought to be expedited. Hence, there are no grounds to interfere with the impugned order.

The crux of the grievance of the petitioner pertains to production of the financial records for the above financial years of the petitioner company. In a connected proceeding, being WPA 20862 of 2024, by an order dated August 20, 2024, this Court had, *inter alia*, directed that the First Labour Court was at liberty to proceed in accordance with law and draw any adverse inference in case of inability of the petitioner company to prove the above records.

Admittedly, the above documents are already on record. The only question is one of proof. In terms of the above order dated August

20, 2024 passed by this Court, the First Labour Court is at liberty to draw any adverse inference in accordance with law. The threat of any coercive action can only be limited to the above extent. The deposition dated May 17 2024 is also on record and is of its own evidentiary value. In view of the subsequent orders, the First Labour Court is at liberty to proceed expeditiously and conclude the proceedings. The interim order stands vacated. WPA 15952 of 2024 stands disposed of.

Nothing in this order may be construed to be an expression on the merits of the case.

The impugned order stands modified to the above extent only. With the above directions, WPA 15952 of 2024 stands disposed of.

(Ravi Krishan Kapur, J.)