

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

**CONTEMPT PETITION NO.34 OF 2023
IN
WRIT PETITION NO.248 OF 2011
WITH
INTERIM APPLICATION (LODGING) NO.4620 OF 2024
IN**

CONTEMPT PETITION NO.34 OF 2023

Dilip Kumar G. Damani and Ors. ...Petitioners

Versus

B.M. Singhania and Ors. ...Respondents

WITH

**WRIT PETITION NO.5522 OF 2023
(CIVIL APPELLATE JURISDICTION)**

M/s. Kamala Mills Ltd. and Ors. ...Petitioners

Versus

Mr. Dilip Kumar G. Damani and
Ors. ...Respondents

...

Mr. Jitendra Damani for Petitioner in CONPW/34/2023 (OS) and for Respondents in WP/5522/2023(AS).

Mr. S.R. Nargolkar with Mr. Arjun Kadam for the Petitioner in WP/5522/2023 (AS) and for Respondent in CONPW/34/2023 (OS).

Mr. P.P. Kakade, Govt. Pleader with Ms Vaishali Nimbalkar, AGP for Respondent -State.

Mr. J.K. Patil, Law Officer, Maharashtra Labour Welfare Board, present.

CORAM : SANDEEP V. MARNE, J.

DATED : 26 APRIL 2024.

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1. It appears that some of the Respondents in Writ Petition are dead. Leave is granted to amend the petition by

bringing their legal representatives on record. Re-verification is dispensed with. Amendment to be carried out within one week.

2. M/s. Kamla Mills Ltd. and its Directors have filed Writ Petition No. 5522 of 2023 challenging orders passed by the Labour Court on 14 October 2022 and 20 February 2023 with regard to quantification of amounts to which Respondents-workmen are held entitled to under provisions of Section 33C(2) of the Industrial Disputes Act, 1947. The employees in turn have filed Contempt Petition No.34 of 2023 not only alleging breach of the orders passed by the Labour Court on 14 October 2022 and 20 February 2023, they have additionally alleged breach of order passed by this Court on 20 December 2013 in Writ Petition No.248 of 2011.

3. In view of disputes relating to computation of amounts of entitlement of the workers, this Court referred the parties to mediation before Mr. S.C. Naidu, an Advocate practising in this Court. The learned Mediator has conducted as many as six meetings between the parties and has finally successfully mediated in the disputes amongst them and has submitted a final report dated 4 March 2024.

4. Perusal of the report of the Mediator dated 4 March 2024 would indicate that workers are claiming amounts under total six heads. While the rival parties agreed on amounts payable under the five heads, in respect of the sixth head (which includes claim

towards salary in respect of the period from 7 November 1988 to 21 October 1992), the parties could not agree. The disagreement *qua* amount payable under sixth head is not in respect of its computation. The disagreement is essentially referable to deposit of amount made by the Employer with Maharashtra Labour Welfare Board (**MLWB**) and its demand to adjust the said amount towards the amounts payable to the workers under the sixth head. While the Employer kept on insisting before the Mediator that the said deposited amount of Rs.9,82,387/- must be adjusted towards amounts now payable to the workers, Mr. Nargolkar has now fairly submitted that the amount under the sixth head will also be paid by the employer to the workers directly and that the said deposited amount with the MLWB can be permitted to be withdrawn by the Employer. The plea for adjustment thus is no longer insisted upon.

5. As per the final report of the Mediator in paragraph 16.3, various amounts payable to the 15 workers have been crystalised as under:-

Sr. No.	Name	Aggregate amount payable under four heads of claim (inclusive of interest upto 31-12-2023)	Aggregate amount payable under fifth head of claim (inclusive of interest upto 31-12-2023)	Total amount payable under five heads of claim (inclusive of interest)
A	B	C	D	E (C+D)
1.	O.P. Saini	434,150.75	11,586.87	4,45,737.62
2.	S.N. Laddha	453,099.93	10,736.94	4,63,836.87
3.	D.K. Damani	393,816.87	10,483.35	4,04,300.22
4.	K.L. Vyas	425,866.06	10,483.35	4,36,349.41

5.	B.M. Singhania	454,760.77	11,648.17	4,66,408.94
6.	K.N. Mishra	529,888.69	12,556.62	5,42,445.31
7.	S.K. Sharma	811,465.11	13,512.44	8,24,977.55
8.	A.J. Merchant	202,313.13	8,691.54	2,11,004.67
9.	S.G. Kavle	235,460.26	6,027.51	2,41,487.77
10.	P.R. Sharma	3,92,802.53	10,483.35	4,03,285.88
11.	Sobran Shriram	107,252.35	2070.48	1,09,322.83
12.	Gopalchand	90,159.07	1,936.72	92,095.79
13.	Mrs. Gita Sharma	97,000.29	1936.72	98,937.01
14.	R.G. Parekh	107,252.35	2070.48	1,09,322.83
15.	B.K. Dave	97,591.05	2,229.32	99,820.37
	Total(in Rs.)	48,32,879.21	1,16,453.86	49,49,333.07

6. There is no dispute to the position that the said aggregate amount of Rs.49,49,333.07 is in respect of five heads. The amounts payable towards six heads have also been crystalised in the sixth mediation meeting held on 20 February 2023 and said amounts are as under :-

Sr.No .	Name	Gross Salary from 07-11-1988 to 21-10-1992
A	B	C
1.	O.P. Saini	197428
2.	S.N. Laddha	182930
3.	D.K. Damani	178610
4.	K.L. Vyas	178610
5.	B.M. Singhania	198456
6.	K.N. Mishra	213933
7.	S.K. Sharma	230218
8.	P.R. Sharma	178610

9.	Sobran Shiram	35371
10.	Shrigopal Chanda	34896
11.	Geeta Sharma	30860
12.	R.G. Parikh	35371
13.	B.K. Dave	38219
	Total	1733512

7. Before the learned Mediator, both the parties agreed that simple interest at the rate of 6% from 21 October 1992 on amounts payable under sixth head shall also be paid to the workers.

8. So far as amount of Rs.49,49,333.07 is concerned, the same includes interest upto 31 December 2023. In respect of period of interest after 1 January 2024, in my view the Employer shall pay to the workers simple interest at the rate of 6% per annum in respect of amount of Rs.49,49,333.07 from 1 January 2024 till 30 April 2024.

9. Having crystalized the amounts payable to the workers along with interest, the next issue is about mode of payment to workers. It appears that the Employer has already deposited amount of Rs. 50,00,000/- in this Court and accordingly the workers can be permitted to withdraw the amount indicated in the above table aggregating Rs. 49,49,333.07/-.

10. Mr. Nargolkar has submitted that so far as the amount under the sixth head is concerned, the Employer is willing to pay an

amount of Rs. 17,33,512/- to the workers alongwith interest at the rate of 6% from 21 October 1992 till the date of actual payment.

11. Thus, there are two sets of amounts -(i) the amounts which can be withdrawn from this Court and (ii) amounts which are to be directly paid by the Employer to the workers. The amount of Rs.49,49,333.07 is to be withdrawn by the workers from this Court out of amount of Rs.50,00,000/-deposited by the Employer in this Court and the balance amount, with interest accrued thereon can be refunded to the Employer.

12. So far as the amount directly payable by Employer to the workers is concerned, the said amount would be at the rate of 6% simple interest on amount of Rs. 49,49,333.07 from 1 January 2024 till 30 April 2024 and Rs. 17,33, 512/- alongwith simple interest at the rate of 6% per annum from 21 October 1992 till the date of payment thereof.

13. So far as the amount of Rs.9,82,387/- deposited by the Employer with MLWB is concerned, the Board shall refund the said amount to the Employer without any interest.

14. Accordingly, I proceed to pass following order:-

- (i) 15 Respondents in Writ Petition No.5522 of 2023 or their legal representatives, as the case may be, shall be

entitled to withdraw the amount indicated in the table in paragraph No.5 above from the amount deposited by the Employer in this Court. The balance amount, alongwith accrued interest thereon, shall be refunded to Employer -M/s. Kamla Mills Ltd.

- (ii) The Employer- M/s. Kamla Mills Ltd. shall pay to the 15 workmen /their legal heirs, simple interest at the rate of 6% per annum on amounts indicated against their names in paragraph 5 above from 1 January 2024 to 30 April 2024.
- (iii) The Employer/ M/s. Kamla Mills Ltd. shall pay to the 15 workmen /their heirs, amount of R.17,33,512/- as indicated in Paragraph No.6 above alongwith simple interest at the rate of 6% per annum from 21 October 1992 till the date of payment thereof.
- (iv) The amounts directed to be paid by the Employer/ M/s. Kamla Mills Ltd. shall be paid to 15 workers /their legal heirs within six weeks from today.
- (v) MLWB is directed to refund amount of Rs.9,82,387/- to the Employer/ M/s. Kamla Mills Ltd. within four weeks from today.
- (vi) For the ease of making the payments by Employer/M/s. Kamla Mills Ltd. directly to the 15 workers /their legal heirs, the details of the bank accounts of workers/ their legal heirs shall be provided to the Petitioners within two weeks from today.

(vii) Parties agree that all the disputes amongst them shall stand resolved subject to receipt of the amounts as indicated above.

15. This Court records appreciation for the efforts taken by the Mediator Mr. S. C. Naidu.

16. In view of the above directions, petitions stand disposed of. In view of disposal of the petitions, interim application does not survive and hence stands disposed of.

[SANDEEP V. MARNE, J.]