

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.6190 OF 2023

M/s. Delhivery Limited

...Petitioner

Versus

Raghavendra Ramlakhan Yadav and
Ors.

...Respondents

...

Mr. Suresh S. Pakale, *senior Advocate with Mr. Nilesh Desai for the
Petitioner.*

Ms Pavitra Manesh i/b. Ms Kadambari Patil for Respondent No.1.

Mr. B.S. Mahamulkar for Respondent No.3.

Mr. Vaibhav U. Jagdale for Respondent No.4 through VC.

Mr. Rahul D. Oak for Respondent No.6.

CORAM : SANDEEP V. MARNE, J.

DATED : 23 APRIL 2024.

PC:

1. The challenge in the present petition is to the order dated 20 April 2023 passed by the learned Member, Industrial Court, Thane, allowing application at Exhibit U-2 filed in Complaint (ULP) No.206 of 2022 and granting interim relief in favour of the Complainant. By way of interim relief, the Industrial Court has restrained the Petitioner and Respondent No.4 (Toli No.M/430) from obstructing the members of Toli No.2538 from performing work at the godown of the Petitioner at Vasai during

pendency of the complaint. The Petitioner is further directed to provide work of mathadi nature to the workers of toli No.2538 during pendency of the complaint.

2. I have heard Mr. Pakale, the learned senior Advocate appearing for the Petitioner, Ms Pavitra Manesh, learned Advocate appearing for Respondent No.1, Mr. Mahamulkar, learned Advocate appearing for Respondent No.3, Mr. Jagdale, learned Advocate appearing for Respondent No.4 and Mr. Oak, learned Advocate appearing for Respondent No.6.

3. After having heard learned counsel appearing for the respective parties, it appears that the Industrial Court has passed interim order by recording prima facie finding that M/s. Spoton Logistics Pvt. Ltd. (**Spoton**) has been acquired by Petitioner - Company. It is on account of this prima facie finding that though the workers of Respondent No.1 Toli No.2538 are allotted to Spoton, Industrial Court has passed the interim order for providing them work with Petitioner.

4. Mr. Pakale would contend that said prima facie finding about acquisition of Spoton by Petitioner is factually incorrect. In my view therefore, evidence need to be led by the parties on the aspect of acquisition of Spoton by Petitioner. Therefore, instead of this Court conducting enquiry as to whether there is indeed an acquisition by the Petitioner of Spoton, it is appropriate that parties

lead evidence before the Industrial Court in this regard and the Industrial Court conducts an inquiry and records a finding of fact in this regard.

5. Accordingly, the Writ Petition is disposed of by requesting the Industrial Court to expedite the hearing of the Complaint and to make an attempt to decide the same as expeditiously as possible, preferably within a period of six months by granting opportunity to the parties to lead evidence *inter alia* in respect of allegation of acquisition of Spoton by the Petitioner. Till the complaint is finally decided, order dated 20 April 2023, which is otherwise stayed by the Industrial Court, shall not be operated.

6. All contentions of the respective parties are kept open. The Industrial Court shall pass order uninfluenced by the observations made by this Court in this order.

7. With the above directions, the writ petition stands disposed of.

[SANDEEP V. MARNE, J.]