

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9287 OF 2023

M/S. WALLACE PHARMACEAUTICALS PVT. LTD.

THROUGH. DATTARAM YESHWANT GAIKAR

....PETITIONER

V/S

FEDERATION OF MEDICAL AND SALES AND ANR

....RESPONDENTS

...

Mr. S.K. Talsani, Senior Advocate a/w Ms. Vedika Puri i/b Mr. R.V. Paranjpe for the Petitioner.

Ms. Jane Cox i/b Mr. Ghanashyam R. Thombare for Respondent No.1.

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CORAM: SANDEEP V. MARNE, J.

DATE : JANUARY 11, 2024.

P.C.:

1 The challenge in the present Petition is to the order dated 29 April 2023 passed by the Industrial Tribunal, Mumbai rejecting the application filed by the Petitioner raising the issue of maintainability of the reference. One of the objections that the Petitioner raised before the Industrial Tribunal was about territorial jurisdiction of the Industrial Tribunal at Mumbai to entertain the reference. Since according to the Petitioner, the appropriate Government to make an order of reference in the present case would be the Government of Goa.

2 Ms. Cox, the learned Counsel appearing for the Respondent-Association would fairly submit that instead of contesting the issue of

territorial jurisdiction of the Industrial Tribunal at Mumbai, the Respondent-Association is agreeable for the Reference being decided by the Industrial Tribunal at Goa. For that purpose, both the parties are agreeable for making a joint application before the Government of Goa under section 10(2) of the Industrial Disputes Act, 1947 (**ID Act**) for seeking an order of reference to the Industrial Tribunal, Goa.

3 Accordingly, the Writ Petition can be disposed of by granting liberty to both the parties to make a joint request to the Government of Goa for making a reference under section 10(2) of the ID Act for making an order of reference in respect of the charter of demands raised by the Respondent-Association vide letter dated 18 April 2014.

4 Since both the parties agree that joint request would be made to the Government for Goa for making a fresh order of reference, Reference IT No.22 of 2019 pending before the Industrial Tribunal, Mumbai would no longer be maintainable. The impugned order dated 29 April 2023 is accordingly set aside by consent of both the parties. Reserving the liberty for making a joint application under section 10(2) of the ID Act for seeking an order of reference, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)

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