

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

WRIT PETITION NO.9811 OF 2019

Jiwa Foods Private Limited & Anr.

..... Petitioners

Vs.

Grocery Markets and Shops Board
For Greater Mumbai, Thane and Raigad
Districts & Anr.

..... Respondents

Mr. Avinash Jalisatgi a/w. Ms Divya Wadekar i/b. Mr. Vaibhav Jagdale for
the Petitioners

Mr B. S. Mahamulkar for the Respondent No. 1

Mr. M. M. Pabale for the Respondent No. 2

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 9 MAY 2024

P.C.:

1. Heard learned counsel for the parties.
2. The Petitioner No. 1 is a private limited company in the business of farming mushroom. The issue is as to whether the Petitioner No. 1 is covered under the provisions of the Maharashtra Mathadi, Hamal And Other Manual Workers (Regulation Of Employment And Welfare) Act, 1969 (for short "*the Act of 1969*") and the schedule annexed thereto.
3. In paragraph 4 of the Petition, the Petitioners have given details of

its activities as how the mushroom farming is carried out and states that mushrooms farming is akin to or included in the term agriculture. Since the Respondent-Mathadi Board has called upon the Petitioners to employ Mathadi workers as per the provisions of the Act of 1969, the Petitioners are before us with this Petition. The Respondent-Board has filed reply to which re-joinder is filed. Main question as to whether the Petitioner No. 1 is covered under the Act of 1969 and whether the Petitioners' activities can be termed as agricultural activities. This will depend on examination of the Schedule appended in the Act of 1969 alongwith factual aspects of the exact nature of the Petitioner's functioning. This would require a decision on the part of the Mathadi Board.

4. Learned Counsel for the Respondent-Mathadi Board states that the Petitioners were called for a meeting, however, they did not attend, to which the Petitioners state that meetings were not for deciding the applicability of the Act but it was in respect of employment of Mathadi workers.

5. Be that as it may, since there is no specific decision by the Respondent - Mathadi Board as to whether the Petitioners' activities are covered under the Schedule appended to the Act of 1969, directions will have to be issued to the Respondent-Board to take a decision.

6. Before taking the decision it is open to the Respondent-Board to carry out inspection of the Petitioners premises to examine the nature of

activities. The Petitioners will supply all the necessary details when called upon by the Board and will be at liberty to submit their version in writing alongwith supporting documents before the Board. The Respondent-Board will then take decision as regards the applicability of the Act by passing a reasoned order. Decision be taken within a period of three months from today, subject to other urgent public duties

7. The Petition stand disposed of accordingly.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)