

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1734 OF 2024

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Cooper Corporation Pvt. Ltd.

... Petitioner

V/s.

Santosh P. Shelar

... Respondent

Mr. Kiran Bapat, Senior Advocate with Ms. Kirti Bhoite
i/by Economic Laws Practice for the petitioner

Mr. M. S. Topkar with Mr. Saurabh Mandlik i/by Ms.
Pavitra Manesh for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 29, 2024

PC.:

1. By the impugned order, the Industrial Court, Satara has partly allowed the *Application under Exhibit U-2 in Complaint (ULP) No.74 of 2023* by directing petitioner to give 7 clear working days' time to the complainant before imposing any punishment.

2. Source of power for grant of such relief has not been pointed out. In absence of such power, under law, the Industrial Court could not have granted such relief. Therefore, it would be necessary to substitute Clause 3 of the impugned order by directing the petitioner to supply copy of inquiry report to the complainant within two days from the date of imposition of

punishment, if any.

3. Hence, the expression “the Respondents should give 7 clear working days time to the Complainant before imposing any punishment” in Clause 3 of the impugned order is substituted as under:

“the petitioner shall supply copy of inquiry report to the complainant *before* imposition of punishment, if any”.

4. It is needless to state that the Industrial Court shall decide the complaint uninfluenced by the observations made in the impugned order.

5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 7th March 2024. Corrections in paragraphs 1 and 3 are shown in italicize.