

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

WRIT PETITION NO.13621 OF 2024

Lavino Kapur Cottons Private LimitedPetitioner

Versus

State of Maharashtra & Ors.Respondents

Mr. Arshad Shaikh, Senior Advocate i/b. Mr. Rahul Oak for the
Petitioner.

Mr. S.L. Babar, AGP for the State.

Mr. Dinesh Sandu Dabhade, Assistant Labour Commissioner,
Palghar present.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 20th DECEMBER, 2024

P.C. :-

1. After we heard the learned Senior Advocate for the
Petitioner and the learned AGP on 19th December, 2024, we had
noticed that the learned AGP was required to take certain
instructions in the peculiar facts of the case.

2. Today, the learned AGP submits, on instructions from
the Assistant Labour Commissioner cum Registration Officer under
the CLRA Act, 1970, Palghar, that the Show Cause Notice dated
9th March, 2023 was issued by the then Assistant Labour

Commissioner, Mr. V.N. Choudhary. Seven days time of hearing was given to the Petitioner. Thereafter, there has been no hearing in the matter. No notice was issued. On 8th February, 2024, a succeeding Assistant Labour Commissioner, Mr. Santosh G. Kokate passed the impugned order recording in the last paragraph, on internal page 2, that a notice was issued and seven days time was given to the Petitioner in March, 2023. The Management submitted a reply via email dated 11th March, 2023. It is, thus, obvious that neither Mr. Santosh G. Kokate had caused a hearing in his office, nor had he heard the matter. The Show Cause Notice was issued by an earlier officer, who also did not conduct a hearing.

3. We are astonished by the manner in which the concerned officer has performed his duties. Since this is the first instance before us, we are accepting the request of the learned AGP for leniency.

4. On the above ground alone, the impugned order is quashed and set aside. The present Assistant Labour Commissioner cum Registration Officer under the CLRA Act, 1970, Palghar, is at liberty to follow the due procedure laid down in law by issuing a

notice to the Petitioner. A reasonable opportunity of hearing would be extended to all the stakeholders. Without causing undue haste, a reasoned order in the matter shall be passed by taking into account the provisions of law. While issuing the first notice of hearing, at least 15 days time shall be granted. Thereafter, in the hearings to be conducted, the convenience of the parties would be considered while granting the next dates of hearing.

5. With the above directions, **the Writ Petition is partly allowed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)