

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

WRIT PETITION NO.17698 OF 2024

Hatsun Agro Products Limited

....*Petitioner*

V/s.

The Chairman /Assistant
Commissioner of Labour, Solapur
and Ors.

.... *Respondents*

Mr. Kiran Bapat, *Senior Advocate with Mr. Rahul Oak for the
Petitioner.*

Mr. Y.B. Lengare *for Respondent Nos.2 and 3.*

*Mr. P.P. Kakde. Add.GP with Mr. J.P. Patil, AGP for Respondent
No.4-State.*

CORAM : SANDEEP V. MARNE, J.

DATED : 5 December 2024.

P.C.:

1) Heard Mr. Bapat, the learned senior advocate for the
Petitioner, Mr. Lengare, the learned counsel appearing for
Respondent Nos.2 and 3 and Mr. Kakde, the learned Additional
Government Pleader for Respondent No.4-State.

2) Issue notice to Respondent No.1, returnable on **14
January 2025.**

3) After having heard the learned counsel appearing for the
parties, in my view there are at least two prima facie reasons

why the impugned order dated 6 November 2024 deserves to be suspended till Respondent No.1 puts in his appearance. They are as under:-

(i) Firstly the impugned order is premised on retrospective registration of the establishment as well as of the employees from 30 July 2021 to 1 April 2019. Apparently retrospective effect to the registration is given by order dated 20 August 2024 and there is nothing on record to indicate that the Petitioner - employer was heard while granting such retrospective effect to the registration. To make things worst, Respondent No.1 appears to have framed an issue about validity of such retrospective effect granted vide order dated 20 August 2024 while passing the final impugned order dated 6 November 2024. Curiously the order granting retrospective effect to the registration dated 20 August 2024 is passed by the same person, who has subsequently decided validity of his own action while passing order dated 6 November 2024.

(ii) It appears that inspection report was submitted on the basis of statements made by the concerned employees by the inspecting officer on 10 February 2021 that the employees received salary of Rs.10,000/- per month during the period from 1 April 2019 to 10 February 2021. Respondent No.1 thus encountered a situation where there was an admission on the part of the employees about receipt of wages of Rs.10,000/- from 1 April 2019 to 10 February 2021. To get over this situation, Respondent No.1 has relied upon statement made by one Mr. Chougule that out of

Rs.10,000/- shown to have been payable to the concerned employees, the actual amount received by them was Rs.2,500/- whereas the balance amount of Rs.7,500/- were never paid to them. This aspect was not highlighted by the workers at the time of recording their statements while preparing inspection report.

4) For above two reasons, impugned order dated 6 November 2024 deserves to be stayed. Accordingly, till the next date Respondent No.1 shall not act upon the order dated 6 November 2024.

5) Parties to act on an authenticated copy of this order.

[SANDEEP V. MARNE, J.]