

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1065 OF 2024

Sahara India Commercial Corporation limited	...Petitioner
<i>Versus</i>	
Sahara India Kamgar Sanghatana	...Respondent

Mr. Mahesh Shukla a/w Mr. Niraj Prajapati, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10 JUNE 2024

P.C.:

- 1.** Heard Mr. Shukla along with Mr. Prajapati, learned Counsel for the Petitioner.
- 2.** By the impugned Order dated 8th December 2021 passed by the learned Presiding Officer, Industrial Court, Maharashtra, at Mumbai, the Application below Exh. U-5 in Reference (IT) No.33 of 2018 was allowed and the First Party i.e. the Petitioner was directed to produce the documents called by Second Party Union i.e. by the Respondent mentioned in the Application below Exh. U-5.
- 3.** It is the contention of Mr. Shukla, learned Counsel that certain documents are not in the custody of the present Petitioner as they are the documents of other related Companies.

4. However, it is to be noted that the learned Presiding Officer, Industrial Court, Maharashtra, at Mumbai, while passing the impugned Order, has considered the said submission and passed appropriate directions. The relevant observations in the impugned Order on page No.34 of the Writ Petition are as follows:

“Those documents sought by Second Party Union are certainly necessary and relevant for deciding the present Reference on merits. If at all any document is not available with the First Party Company or if those documents are beyond the reach of the First Party Company, First Party Company is at liberty to file affidavit to that extent upon which appropriate inference can be drawn at the appropriate stage.”

(Emphasis added)

5. The impugned Order is dated 8th December 2021. Mr. Shukla, learned Counsel for the Petitioner has fairly stated that hearing of the said Reference has progressed substantially.

6. In view of the above position, at this stage, Mr. Shukla, learned Counsel seeks liberty to withdraw the Writ Petition with further liberty to raise a challenge to the said Order dated 8th December 2021 after disposal of the said Reference, if the need arises.

7. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of as such, subject to above with no order as to costs.

[MADHAV J. JAMDAR, J.]