

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3731 OF 2024

Deepak Ramdas Pednekar
(through its General Secretary of Union)
Haffkine Bio-Pharmaceutical Corporation
Employees Union, Parel, Mumbai ...Petitioner

Versus

Haffkine Bio-Pharmaceutical Corporation Ltd.,
Parel, Mumbai. ...Respondent

Mr. Shailesh K. More, Advocate, for the Petitioner.
Ms. Tanaya Patankar, Advocate, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26th NOVEMBER 2024

P. C.:

1. Heard Mr. More, learned Counsel appearing for the Petitioner and Ms. Patankar, learned Counsel appearing for the Respondent.

2. The challenge in the present Writ Petition filed under Article 226 of the Constitution of India is to the legality and validity of the order dated 19th January 2024 passed by the learned Industrial Court, Mumbai in Condonation of Delay Application (ULP) No.1 of

2023. By the impugned order, the said Application has been rejected.

3. Mr. More, learned Counsel appearing for the Petitioner submitted that although the delay is of about 9 years, however, several important documents filed by the Petitioner before the learned Industrial Court are not considered. He points out letter dated 7th June 2016 addressed by the Petitioner to the Respondent and submits that on the said Application a remark is passed by the authority stating that the case be considered and disposed of by giving opportunity to Deepak Hedulkar on whose behalf the complaint is sought to be filed before the Industrial Court. He also points out letter dated 12th January 2018 *inter alia* wherein remark is passed to the effect that the matter requires consideration. He submits that the written submissions were filed before the learned Industrial Court and reference is made to all these letters. However, the said letters have not been considered while passing the impugned order.

4. On the other hand, Ms. Patankar, learned Counsel appearing for the Respondent points out letters dated 2nd January 2015, 27th

January 2016 and 17th August 2018 and submits that said Deepak Hedulkar was aware about the decision of the Respondent since then. She submits that admittedly there is delay of about 9 years in approaching the Industrial Court and therefore, no interference under writ jurisdiction of this Court is warranted.

5. However, perusal of the list of documents filed in this Writ Petition shows that to substantiate the case of the Petitioner of condonation of delay, several documents are produced. It is the submission of learned Counsel appearing for the Petitioner that the said documents have been produced before the learned Industrial Court and reference to the same is made in the written submissions. He also states that as the Supreme Court has suspended the limitation period due to COVID-19 pandemic, the same should have been considered by the learned Industrial Court.

6. In any case, perusal of the record shows that various relevant documentary evidence which has been produced before the learned Industrial Court have not been considered in the impugned order. Thus, the impugned order need to be quashed and set aside.

7. Accordingly, order dated 19th January 2024 passed by the learned Industrial Court, Mumbai in Condonation of Delay Application (ULP) No.1 of 2023 is quashed and set aside and the said Condonation of Delay Application (ULP) No.1 of 2023 is restored to file of the learned Industrial Court, Mumbai.

8. Learned Industrial Court is requested to decide the said Condonation of Delay Application (ULP) No.1 of 2023 after giving opportunity of hearing to the Petitioner and by considering the documents produced by the Petitioner as well as the Respondent.

9. It is clarified that this Court has not expressed any opinion on the merits of Condonation of Delay Application and the impugned order is quashed and set aside on the ground that some of the documents have not been taken into consideration.

10. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]