



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 145 of 2022

Maharashtra State Tribal Development Corporation Limited through its
Regional Manager, Deori, Tahsil and District Bhandara and another

Versus

Learned Industrial Court, Bhandara Bench, District Bhandara and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.P.Bhongade, Advocate for the petitioner.
Ms. Sonia Thakur, AGP for the respondent/State.

**CORAM : ANIL S. KILOR, J.
DATED : 28th FEBRUARY, 2024.**

Heard.

2. This writ petition takes exception to the order dated 16th November, 2021, passed by the learned Industrial Court, Bhandara in Misc. Recovery No. 5 of 2019 filed under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (in short hereinafter referred as 'MRTU & PULP Act, 1971') to the extent of granting 7% p.a. interest on the amount of recovery.

3. The learned Industrial Court, Bhandara vide judgment and order dated 30th June, 2008 directed the petitioner to pay compensation to the tune of Rs.1,75,000/- to the respondent no.2. However, there was no order directing to pay interest on the said amount.

4. Thereafter, the respondent no.2 filed a proceeding under Section 50 of the MRTU and PULP Act, 1971. Section 50 relates to recovery of money due under an order passed by the Court and the Court has to issue a certificate for that amount to the Collector, who shall, proceed to recover the same in the same manner as an arrears of land revenue.

5. Thus, it is amply clear that Section 50 of the MRTU and PULP Act, 1971 is for execution order relates to money. Hence, the Court cannot go beyond the basic order which is sought to be executed.

6. In the present matter, admittedly, there is no direction to the petitioners to pay interest, but, the amount of compensation of Rs.1,75,000/- was directed to be paid by the petitioner to the respondent no.2.

7. In that view of the matter, I find substance in the submission made by the learned counsel for the petitioners that, the impugned order Below Exhibit U-1 dated 16th November, 2021, passed by the learned

Industrial Court, Bhandara in Misc. (Recovery) No.05 of 2019 is without jurisdiction to the extent of direction to pay interest @ 7% p.a. Accordingly, I pass the following order.

- i. The writ petition is partly allowed;
- ii. The impugned order Below Exhibit U-1 dated 16th November, 2021 passed by the learned Industrial Court, Bhandara in Misc. (Recovery) No.05 of 2019 is hereby quashed and set aside to the extent of interest 7% p.a. from 01.10.2008 till 09.03.2018 on the amount of compensation.

[ANIL S. KILOR, J.]