



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

CIVIL APPLICATION (CAW) NO.1492 OF 2023 IN
WRIT PETITION NO.822 OF 2023 (D)

Akola Zilla Kamgar Sangh (INTUC), through its President Mr. Pradip Vakhariya and another **.Vs.** Hon'ble Minister for Labour, Government of Mah., Mumbai and others

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

Court's or Judge's Order

Shri U.J. Deshpande, Advocate for petitioners.
Shri N.R. Patil, A.G.P. for respondent Nos.1 to 5 and 8/State.
Shri A.B. Patil, Advocate for respondent No.6.
Shri Apurv De, Advocate for respondent No.9.
Shri M. Anilkumar, Advocate for respondent No.10.

CORAM : ANIL S. KILOR, AND
SMT.M.S. JAWALKAR JJ.

DATED : 15/03/2024

1. This is an application moved by the original respondent No.6 with following prayers :

“(a) Permit the applicant/ Respondent No.6 Krishidhan Seeds Pvt. Ltd. to sell/dispose off/create third party interest/alienate, the area of 3 acres of land, which is kept reserved as per the undertaking given to this Court in pursuance of order dated 11.07.2013 passed by this Hon'ble Court.

(b) Grant any other relief which deemed fit and proper in the facts and circumstances of the present case.”

2. To deal with the application, it is necessary to go through the judgment dated 11.07.2013 passed in Writ Petition No.822 of 2013 wherein, the Division Bench of this Court has categorically observed that, the workers' claim to the tune of Rs.25 to 30 crores is without any

foundation and first time made in the petition. This Court further observes that, the dues of the workers are to tune of Rs.12,14,53,280.17. Accordingly, this Court observed that, the Commissioner of Labour has sufficiently protected the interest of the workmen by directing 3 acres of land to be kept reserved till the workmen's dues are cleared.

3. It is the case of the applicant that, the liquidator has already cleared the amount of dues of the labour to the tune of Rs.12,14,53,280.17.

4. The liquidator has accordingly filed his affidavit to that effect. However, the learned counsel for the petitioners representing the workmen's, has made a statement that, still the amount to the tune of Rs.25 to 30 crores is outstanding under various heads.

5. The said statement cannot be accepted, for the reason that, firstly, the petitioners have not filed any document showing the outstanding amount and secondly, the amount which was paid by the liquidator i.e. Rs.12,32,02,078/- was paid in the year 2016 and thereafter, till date, since last eight years, no grievance has been raised by the workmen as regards outstanding amount.

6. Even if, any such claim has already raised or made, that cannot be considered, for the simple reason that, the original claim submitted by the workmen before the

liquidator was of Rs.12,14,53,280.17, which Shri Deshpande, learned counsel for the petitioners is not disputing the said fact.

7. Thus, since beginning, the claim of the workmen was taken into consideration, to the extent of Rs.12,14,53,280.17, which was submitted before the liquidator, at the first instance, after the company was into the liquidation.

8. In the circumstances, the directions issued by this Court to undertake certain exercise by the Assistant Labour Commissioner vide order dated 31.01.2024 is hereby recalled in view of the admission of the learned counsel for the petitioners that, the original claim submitted to the liquidator was to the tune of Rs.12,14,53,280.17.

9. In the above referred backdrop, since, the dues as per the claims submitted by the workmen before the liquidator has already been paid, we are of the opinion that there is no impediment to allow the present application in view of the observations made by this Court in paragraph 21 that, the land was reserved only till the time the dues are paid. As the dues have already been paid in the year 2016, there is no point keeping the land reserved.

10. Accordingly, the application is **allowed** in terms of prayer Clause (a).

(SMT. M.S. JAWALKAR, J)

(ANIL S. KILOR, J)