

17.09.2025
Item No.3
Ct. No. 30
Aloke

WPA 17640 of 2025

M/s Chocolate Hotels Pvt. Ltd.

Vs.

Union of India & Ors.

Mr. Soumya Majumdar, Id. Sr. Adv.

Mr. U. Banerjee

... for the petitioner

Mr. Kaushisk Dey

Mr. Tirtha Pati Acharyya

... for the UOI

Mr. Abhimanya Banerjee

... for the respondent no. 3

1. The writ application has been preferred challenging an order dated 19th May, 2025 passed by the Controlling Authority-cum-Assistant Labour Commissioner in the Claim Application No. 48(273) 2023/E-2.

2. It is the case of the petitioner that on 19th September, 2024, the authority concerned i.e. the respondent no. 2 raised a question regarding the territorial jurisdiction of the dispute suo moto and fixed 22nd October, 2024 for hearing and **debarred** the petitioner company to attend the hearing on that day.

3. Thereafter, the petitioner received a notice to attend the hearing on 17th December, 2024, when the authority fixed another date on 8th January, 2025 for deciding the issue of territorial jurisdiction.

4. The petitioner states that on 8th January, 2025 the authority without considering its previous

orders, noted in the order sheet that, the petitioner raised the point of territorial jurisdiction, though the applicant had submitted a written submission on the point of maintainability of the territorial jurisdiction as per direction of the authority.

5. The petitioner all on a sudden received one Form R dated 19th May, 2025, wherein the authority without affording any opportunity to the petitioner to cross-examine the respondent no. 3 and also to adduce evidence, decided the matter on merit and directed the petitioner to pay gratuity amount to the tune of Rs.3,25,615/- along with 10% simple interest per annum as specified by the Central Government.

6. The principal argument of the petitioner in the writ application is that the respondent/Controlling Authority/Assistant Labour Commissioner (Central) **decided the case on merit**, without granting an opportunity of hearing to the petitioner to argue on merits.

7. It appears that the Controlling Authority had permitted some evidence to be recorded and in course of such evidence being adduced, the issue of maintainability on the point of jurisdiction, was raised. The Controlling Authority on hearing the parties, on several dates, on the point of jurisdiction by an order dated 29.01.2025 passed an order as follows :

*“Having heard the submissions from both parties’ counsels, it has been observed that both parties have already presented their arguments and documentary evidence. There is nothing further to submit from either side. **Upon the consent of the parties, the case is hereby reserved for an order to determine the jurisdiction of the controlling authority over this matter.** A copy of the order will be served by post only.”*

8. The order under challenge has been passed on 19th May, 2025. It appears from the order under challenge dated 19th May, 2025, that the Controlling Authority while deciding the issue of jurisdiction, also disposed of the case on merit. It appears that the order under challenge has been passed after almost more than four months, after it was reserved for order.

9. The concerned records before the Authority, was called for and received. It appears from the order-sheets in the original record, that the last order passed by the Controlling Authority prior to passing the order under challenge dated 19.05.2025 is an order dated 29.01.2025 and vide the said order, reserved the matter “for order to determine the jurisdiction of the Controlling Authority”.

10. It further appears from the records received that there is admittedly no other order and/or orders passed by the authority between 29.01.2025 to

19.05.2025 and, as such, the contention of the petitioner that he was not heard on merit is substantiated.

11. Accordingly, the order of the respondent/Controlling Authority dated 19th May, 2025 passed in Claim Application No. 48(273) 2023/E-2, being against the principle of natural justice is hereby **set aside in part** to the extent, by which the Controlling Authority has decided the case on merit.

12. As the petitioner has not challenged the findings of the Controlling Authority relating to his findings on jurisdiction, the said part is not interfered with at this stage.

13. The matter is remanded back to the Controlling Authority, who shall continue with the recording of evidence/hearing from the stage, when the last witness was examined and on giving an opportunity to the parties to adduce further evidence, if they desire to do so, hear the case on merit and dispose of the case in accordance with law by passing a reasoned order.

14. The said hearing be concluded preferably within a period of **six months** from the date of communication of this order.

15. The writ application stands disposed of.

16. Return the original record received at once.

17. Connected application, if any, stands disposed of.

18. Interim order, if any, stands vacated.

19. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)