



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 4300 OF 2025

M/S. NRB Bearing Limited Aurangabad

VERSUS

NRB Bearings Limited Kamgar Sanghatna,
Through It's General Secretary

...

Advocate for Petitioner : Mr. S.V. Dankh

Advocate for Respondent : Mr. M.D. Shinde

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 08, 2025

ORDER :-

1. The petitioner (original respondent) impugns the order dated 7.3.2025 passed below Exhibit C-8 in Complaint/ULP/20/2020, thereby refusing the prayer of petitioner to set aside the "No WS" order and accept 'written statement', on record.

2. Respondent filed complaint ULP No.20 of 2020 before the Industrial Court, Aurangabad under section 26 and 28 read with Items 9 and 10 of the Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short MRTU and PULP Act). Petitioner/original respondent was served with the notice. In response, appearance was caused on 28.2.2020.

Similarly, an application was moved seeking time to file written statement. According to petitioner, due to Covid-19 restrictions, petitioner could not file written statement or provide necessary instructions to the Advocate. Eventually, on 9.9.2021 learned Industrial Court passed 'No WS' order. On 11.2.2025, petitioner filed an application below Exhibit C-8 for setting aside 'No WS' order and accept written statement on record. However, learned Industrial Court rejected said application vide order dated 7.3.2025, which is impugned in this writ petition.

3. Mr. Dankh, learned advocate appearing for petitioner submits that, petitioner was served with notice of the proceeding just before COVID-19 Pandemic. Thereafter, there was Lock-down. There was no communication between Advocate and petitioner/company. Resultantly, written statement could not be filed. Additionally, due to change of official E-mail ID, there was gap in communication. On 11.2.2025 application was moved for setting aside 'No WS order', however, same has been rejected giving technical reason. According to Mr. Dankh, substantial right of petitioner to defend the proceeding has been curtailed. Application could

have been allowed by awarding appropriate compensatory costs to respondents.

4. Having considered submissions advanced, it can be observed that petitioner appeared before learned Industrial Court on 28.2.2020. “No WS” order is passed on 9.9.2021 after granting sufficient opportunity to petitioner. Pertinently, complainant recorded his evidence in the year 2023. Proceeding was attended by learned advocate appearing for petitioner. He tendered applications seeking adjournments for cross-examination of witnesses. Learned Industrial Court allowed such applications in the month of August as well as September, 2023 subject to deposit of costs. However, neither costs have been deposited nor cross-examination was conducted.

5. Again, similar application was filed in the month of August, 2024. Learned Industrial Judge rejected said application observing conduct of petitioner. Thereafter, evidence of the parties was closed. Matter was posted for arguments. Even at this stage, applications were made seeking adjournments under the pretext of presenting citations and it is only when matter was posted for judgment,

application dated 11.2.2025 was filed below Exhibit C-8 for setting aside “No WS” order.

6. Aforesaid sequence of events would show that petitioner was well aware about “No WS” order passed on 9.9.2021 and without filing any application for setting aside such order or presenting Written Statement, applications for adjournments were tendered at each stage. Even, at the stage of cross-examination insptie of sufficient opportunity, there appears intentional and deliberate delay. Looking to conduct of petitioner and finding no justifiable reason for entertaining prayer for setting aside “No WS” order, learned Industrial Court rejected the application.

7. This Court do not find any jurisdictional error or substantial ground to entertain present writ petition under Article 227of the Constitution of India and same is accordingly **dismissed.**

(S. G. CHAPALGAONKAR)
Judge

...

AAA-