



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

938 WRIT PETITION NO. 6350 OF 2020

**VASANTLAL KACHARDAS BHANDARI
VERSUS
MODERN FOUNDRY AND MACHINE WORKS LTD THROUGH ITS
CHIEF EXECUTIVE DIRECTOR AND OTHERS**

Mr.P.V.Barde, Advocate for the petitioner.

CORAM : PRAFULLA S.KHUBALKAR,J.

DATE : 23.04.2025

PER COURT :-

1. Heard the learned Advocate for the petitioner.
2. By way of instant petition, challenge is raised to an order dated 06.03.2019 passed by the 1st Labour Court, Ahmednagar, on Application (IDA) No.01/2014, which was an application u/s 33(C)(2) of the Industrial Disputes Act. By way of petitioner's application u/s 33(C)(2), amount of Rs.2,87,942/- alongwith interest was claimed against the opponents on account of arrears of wages, bonus and leave encashment of leave salary. The learned Labour Court has rejected the application primarily considering the provisions of bar u/s 446(1) of the

Companies Act. The provisions of Section 446(1) of the Companies Act, provides that when a winding up order has been made, no suit or legal proceedings shall be commenced against the company except by the leave of the Court. The Judge, Labour Court has considered this provision and has refused to entertain the application u/s 33(C)(2). The learned Labour Court has also observed that the petitioner has failed to demonstrate any pre-existing right to receive the amount claimed.

3. Perusal of impugned order shows that the Labour Court has taken into consideration relevant provisions of Law. The impugned order is well reasoned and needs no interference.

4. Writ petition is, therefore, dismissed.

(PRAFULLA S. KHUBALKAR, J.)