

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 206 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Balaso Ganpat Patil & Anr.

....Respondents

WITH

WRIT PETITION NO. 240 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Shri. Baburao Appa Pandhare & anr.

....Respondents

WITH

WRIT PETITION NO. 731 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Namdev Krushna Jagtap and anr.

....Respondents

WITH

WRIT PETITION NO. 241 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Shri. Vasant Dada Sutar & anr.

....Respondents

WITH

WRIT PETITION NO. 244 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Kondiba Siddha Katare and anr.

....Respondents

WITH
WRIT PETITION NO. 212 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Shri. Shrikant Ananda Sapkal
and anr.

....Respondents

WITH
WRIT PETITION NO. 213 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Vidyadhar Baburao Ashtekar & anr.

....Respondents

WITH
WRIT PETITION NO. 729 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Sampat Shamrao Suryawanshi & anr.

....Respondents

WITH
WRIT PETITION NO. 728 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Lalaso Bandu Mujawar and anr.

....Respondents

WITH
WRIT PETITION NO. 727 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Ashok Ganpatrao Shinde & anr.

....Respondents

WITH

WRIT PETITION NO. 726 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Jagannath Tanappa Kurade & anr.

....Respondents

WITH

WRIT PETITION NO. 725 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Pratap Keshav Dubal & anr.

....Respondents

WITH

WRIT PETITION NO. 724 OF 2025

Vasantdada Shetkari Sahakari
Sakhar Kharkhana Ltd.

....Petitioner

V/s.

Arun Ramchandra Uplavikar & anr.

....Respondents

Ms. Simran Sameena with *Mr. Sandeep Mahadik i/by. Mr. Sandeep Mutalik, for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

Date : 24 January 2025.

P.C. :

1) By these petitions, Petitioner-Sugar Factory has challenged orders dated 11 November 2024 passed by the Member, Industrial Court, Sangli rejecting its application for amendment of Written Statement filed in complaints of unfair labour practices instituted by the Respondents in each of the petition.

2) I have heard Ms. Sameena, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by her.

3) The Complainants in each complaints have prayed for payment of unpaid salary and bonus for varying periods as pleaded in the complaints. It is the case of the Complainants that despite rendering services during the relevant period, they have not been paid wages and bonus. After a delay of three long years, the Petitioner-Sugar Factory filed Written Statement opposing the complaints, *inter-alia* contending that the Complainants have actually not worked during the relevant period and that therefore they are not entitled to be paid salaries. In the Written Statement, Petitioner has also made averments about the financial difficulties faced by the Sugar Factory and its activities being brought to grinding halt. It is therefore pleaded in the Written Statement that none of the Complainants have actually worked during the relevant period and that therefore there is no question of payment of salary to them.

4) The Complainants have already led their evidence and if the findings recorded by the Industrial Court in the impugned orders are to be taken as correct, the evidence of the Complainants is

complete and it is now the turn of the Petitioner to lead its evidence. However, Ms. Sameena would submit that cross-examination of all the Complainants is not yet complete. Be that as it may. It is common ground that the amendment in the Written Statement is sought to be introduced after commencement of the trial. Therefore the provisions of Proviso to Order 6 Rule 17 of the Civil Procedure Code would apply and it becomes necessary for the Petitioner to show due diligence in incorporating the amended pleadings in the original Written Statement. It is an admitted position that none of the events sought to be added in the Written Statement by amendment application are subsequent events. It is vaguely pleaded in the amendment application that the Sugar Factory was taken in possession by a financial institution in the year 2017 and given in auction for running on lease and that therefore most of the staff of the factory had left the services. By raising such vague pleadings, it is sought to be suggested that the relevant records were not available with the Petitioner. However, the Industrial Court has rightly observed that the Petitioner took period of 3 long years to file its Written Statement which was filed on 29 November 2021. No specific event is pleaded in the amendment application on occurrence of which, the Petitioner was allegedly to trace out the missing documents. In my view, therefore the justification sought to be pleaded in the amendment application for not incorporating the necessary pleadings in the original Written Statement is unacceptable. The complaints are pending since the year 2019 and are yet to be decided despite passage of six long years. Permitting amendment of Written Statement at this belated stage would set the entire clock back thereby causing serious prejudice to the Complainants. Even otherwise, the amendment is essentially aimed at

bringing on record the pleadings about financial constraints bringing the operations of the factory to halt for the purpose of demonstrating that the Complainants actually did not work during the relevant period. Though not every elaborate, the suggestion of closure of the factory due to financial constraints and non-performance of duties by the Complainants on that count has already been pleaded in the original Written Statement. Petitioner can lead evidence in support of the pleadings in the original unamended Written Statement and rely upon relevant documents. In my view, therefore the proposed amendment is not necessary for the purpose of determining the real question of controversy between the parties. Therefore, both on the grounds of failure to show due diligence, as well as amendment not being necessary for determining the real question of controversy between the parties, no serious flaw can be found in the order of the Industrial Court rejecting the amendment application. The Writ Petitions are devoid of merits and are accordingly **dismissed** without any order as to costs.

[SANDEEP V. MARNE, J.]

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2025.01.27
14:18:40
+0530