
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7673 OF 2024

Tulshiram Shankar Shinge & ors.

.. Petitioners

Versus

**ANAND
SUDHAKAR
SUDAME**

Paints Employees Union through the Chairman
Shri Deepak Bhalerao & ors.

.. Respondents

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by ANAND
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Date: 2025.09.08
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Mr. Shivraj Patil i/b. Mr. S. S. Tambe, Advocate, for the Petitioners

Mr. P. P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP & Mr. S. H. Kankal, AGP, for the Respondent – State

Mr. N. N. Gawade i/b. M/s. Sanjay Udeshi & Co., Advocate, for Respondent No. 2

Ms. Prerana Gandhi & Ms. Priyal Gandhi, Advocates, for Respondent No. 5

Mr. Anand Kulkarni, Advocate, for Respondent No. 6

**CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.**

DATE : 4th September, 2025

P. C.

1. We have considered the submissions of the learned Advocate for the Petitioners, the Management, Respondent No. 2 and the learned AGP. This Petition is at a pre-notice stage.

2. Considering the dispute set out in the Petition, Respondent Nos. 4 & 5 have no connection with the dispute between the Petitioners which is primarily as against Respondent No. 1, recognized Union and Respondent No. 2, their erstwhile employer.

3. It is undisputed that the factory has been closed after seeking permission under Section 25N under Chapter V-B of the Industrial Disputes Act. The issue reached the Hon'ble Supreme Court and it was finally concluded that the closure of the Lower Parel factory, is legal and proper. As such, with the issue of closure of the factory at Lower Parel having been dealt with by the highest Court, the recognized Union which is common to both, the Lower Parel Unit as well as Thane Unit, then questioned the permission to close down the Thane unit. That aspect was settled before this Court by an Order dated 5th October, 2021 passed by the learned Single Judge in W. P. No. 1591 of 2007 and connected matters. The final settlement between the parties, in view of the efforts taken by the learned Mediator who has succeeded in settling the dispute, the Writ Petitions were disposed off.

4. Today, the only grievance of these nine Petitioners is that the Management has not properly calculated its legal dues and hence, certain amounts are recoverable from the employer.

5. In the light of the above, Respondent Nos. 5 & 6 being unconnected with this litigation, are directed to be deleted. These two Respondents, therefore, stand deleted from the proceedings.

6. Since it is a matter of pure calculations of the dues to be recovered from the employer, in the backdrop of a pre-existing right of these 9 Petitioners in the light of the settlement between the recognized Union and the Management, we find that the Petitioners have a statutory and efficacious remedy under Section 33C(2) of the Industrial Disputes Act, 1947.

7. In view of the above, **this Petition is disposed off** with liberty to the Petitioners to approach the Labour Court under Section 33C(2). Needless to state, the Employer and the Union will not raise an objection as regards the maintainability of the proceedings since the proceedings originate from a settlement between the parties and since the matter is only of carrying out calculations of payment of dues, if any, by the Employer or from the funds which are already deposited with the recognized Union by the Employer, as the case may be. Both these entities are permitted to be arrayed as Respondents before the Labour Court.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]