

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10878 OF 2024

Bosch Ltd and Anr..

...Petitioners

V/s.

NETW Kamgar Sangthana and
Anr

...Respondents

Mr. Kiran Bapat, *Senior Advocate i/b. Mr. Rahul D. Oak*
Petitioners.

Mr. T.K. Prabhakaran *i/b. Mr. Satyadev R. Pandey for*
Respondent No.1.

Ms. Pavitra Manesh *for Respondent No.2.*

CORAM: SANDEEP V. MARNE, J.

Dated: 6 March 2025.

P.C.:

1) Petition challenges order dated 24 April 2024 passed by the Member, Industrial Court, Nashik, allowing the application at Exhibit U-3 and directing Petitioner-employer to produce the documents enumerated in the application at U-3 filed by the Respondent No.1-union.

2) I have heard Mr. Bapat, the learned senior advocate appearing for Petitioners, Mr. Prabhakaran, the learned counsel

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appearing for Respondent No.1 and Ms. Manesh the learned counsel appearing for Respondent No.2-recognised union.

3) It appears that Respondent No.1 has filed an application under Section 13 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 seeking recognition of registration of Respondent No.2-union. In that application Petitioner was impleaded as a mere formal party and there is a specific averment to that effect in the application. Though the Petitioner is impleaded merely as a formal party, Respondent No.1-union filed application at U-3 calling upon the Petitioner to produce data relating to employees strength since 1985 to 2021 as well as copies of various settlements entered into with recognised union since 2010.

4) So far as copies of settlements are concerned, there is no dispute to the position that the same are in the public domain and it is easily possible for the Respondent No.1 -union to secure copies thereof from the concerned authorities.

5) So far as the information sought in paragraph 2 of the application is concerned, Respondent No.1 -union sought information relating to employees strength since the year 1985 divided amongst permanent, OJT, NETW, apprentice and contract labourers. Thus, Respondent No.1-union sought data with regard to various kinds of employees engaged by the Petitioner for the last 36 long years. In my view, for deciding

application for cancellation of registration of Respondent No.2-union, it is not necessary to compel Petitioner -employer to produce data relating to employees employed for the period of 36 long years. In any case, Petitioner had they have pleaded that they do not have the said data. What is undertaken by Respondent No.1-union appears to be a roving enquiry by seeking all sort of information from opposite party instead of standing on its own legs. Petitioner-employer, being a mere formal party to the application, it cannot be compelled to produce data relating to appointments made in the company since the year 1985 to 2021. In my view, therefore the Industrial Court has erred in allowing the application at Exhibit U-3. Order dated 24 April 2024 is thus unsustainable and liable to be set aside.

6) Petition accordingly succeeds. Order dated 24 April 2024 passed by the Member, Industrial Court, Nashik, is set aside. Petition is allowed in above terms. There shall be no orders as to costs.

[SANDEEP V. MARNE, J.]