

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

WRIT PETITION NO.19351 OF 2024

Siddhant Kiran Baviskar

...Petitioner

V/S

M/s. Digital Gold (India) Private
Limited & Ors.

...Respondents

Ms. Seema Chopda *for Petitioner.*

Mr. Hafeezur Rahman *for Respondent Nos. 1 to 3.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 3 APRIL 2025.**

P.C.:

1. Ms. Chopda, the learned counsel appearing for the Petitioner would submit that the Petitioner does not have any serious objection to framing of two issues by the Industrial Court relating to his status as 'workman' as per Section 2(s) of the Industrial Disputes Act, 1947 (**ID Act**) and about maintainability of the Complaint. The only grievance she has raised is that the said issues have been directed to be framed as preliminary issues.

2. In my view, the issue about status of the Petitioner as 'workman' under Section 2(s) of the ID Act as well as maintainability of the Complaint can be decided while answering

the rest of the issues framed in the Complaint. If the issues relating to the status and maintainability are to be heard and decided as preliminary issues, parties will have to lead evidence on those preliminary issues and in the event of the issues being answered in favour of the Petitioner, one more round of evidence would take place on the other issues. It is therefore appropriate that parties are given an opportunity to lead evidence on all issues and all issues are decided together.

3. It is accordingly clarified that the two additional issues directed to be framed by the Industrial Court shall not be treated as preliminary issues and that the same shall be answered by the Labour Court while answering the other issues. Subject to the above clarification, no interference is warranted in the impugned order passed by the Industrial Court, the Petition is accordingly **disposed of**. All questions on merits are expressly kept open.

(SANDEEP V. MARNE, J.)

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