

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

WRIT PETITION NO.4480 OF 2025

Miracle Cables (I) Pvt. Ltd.

...Petitioner

V/s.

Maharashtra Parishram Sangh and
Ors.

...Respondents

Dr. D.S. Hatle with Mr. Deepak Jamsandekar and Ms. Nirmiti K.
Lawane for the Petitioner.

Ms. Gayatri Singh, Senior Advocate with Ms. Sudha Bhardwaj
for Respondent No.1.

CORAM: SANDEEP V. MARNE, J.

Dated: 23 April 2025.

P.C.:

1) Petition challenges order dated 18 March 2025 passed by the Member, Industrial Court, Thane, rejecting application for interim relief at Exhibit-C2 filed in Complaint (ULP) No.195 of 2024.

2) I have heard Mr. Hatle, the learned counsel appearing for the Petitioner and Ms. Singh, the learned senior advocate appearing for Respondent No.1-Union.

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3) During the course of their submissions, both the learned counsel have relied upon photographs as well as material subsequent to passing of the impugned order dated 18 March 2025. One of the reasons recorded by the Industrial Court for refusing to grant interim order is failure on the part of the Petitioner to demonstrate any obstructive activities by the members of the first Respondent-Union. The Petitioner now relies upon photographs taken on 16 April 2025 and 17 April 2025 indicating that vehicles carrying materials and finished products were obstructed by certain individuals outside the factory gate. Allegation is denied by first Respondent -Union and it is contended that the Petitioner is actually taking out machineries and machine parts from the factory.

4) In my view, the fresh material sought to be produced by rival parties needs to be considered by the Industrial Court while deciding the prayer of the Petitioner for interim relief. In my view therefore, application at Exhibit-C2 deserves to be remanded to the Industrial Court for being decided afresh in the light of fresh material sought to be relied upon by the rival parties.

5) During the course of hearing of the Petition, Ms. Singh has made a categorical statement that first Respondent-Union or its members have never prevented any permanent workman, staff or management employee from entering the factory of the Petitioner- Company. She has further submitted that no

obstruction shall be created on entry or exit of vehicles or any other persons by the members of the Petitioner- Union. Statement is recorded and accepted, which shall continue to operate till the Application at Exhibit -C2 is decided by the Industrial Court.

6) Order dated 18 March 2025 is set aside. Application for interim relief at Exhibit- C2 is remanded for being decided afresh by the Industrial Court. Both the parties shall be at liberty to produce such additional material as they desire. Industrial Court shall proceed to decide the Application at Exhibit- C2 in an expeditious manner, preferably by 30 June 2025. Parties shall appear before the Industrial Court on 28 April 2025 and obtain further directions for fixation of date(s) of hearing in Application at Exhibit-C2.

7) With the above directions, Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]