

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

WRIT PETITION NO. 16774 OF 2025

Nanaso Shankar Thorat &Ors.

... Petitioners

versus

The State of Maharashtra & Ors.

... Respondents

...

Mrs. Seema Chopda with Mr. T.R.Yadav for the Petitioners.

Ms.Priyanka Chavan, AGP for the Respondent -State.

Mr.Avinash Ram Belge for Respondent No.5.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : DECEMBER 11, 2025

P.C:

1. This matter was called out at 6.00 p.m.
2. The Petitioners contend that the union elections are scheduled on 3rd January, 2026. Respondent No. 5, Pandurang Kachare, who is a terminated employee of Respondent No. 6, continues to be a member of the Trade Union in view of the order dated 17th December, 2021 passed by the Industrial Tribunal in Application ICTU No. 1 of 2020.

3. In view of the above backdrop, the grievance of the Petitioners is that Pandurang Kachare has not paid the annual subscription/fees of the Union and, therefore, his membership would stand disqualified after the period of one year from the last payment of annual subscription.

4. We find that Section 28(1-A) of the Trade Unions Act, 1926 (the Act of 1926) enables the Petitioners to raise a dispute before the Registrar of Trade Unions. If the Registrar, *prima facie*, finds that the dispute needs to be adjudicated upon by the Industrial Tribunal, he can issue a consent certificate in the prescribed form to the Petitioners, who can then lodge a complaint before the Tribunal.

5. In view of the above, we do not wish to entertain this Petition in light of the statutory remedy and procedure for investigation into such disputes specifically prescribed under Section 28(1-A) of the Act of 1926.

6. The learned Advocate for the Petitioners submits, on instructions from one of the Petitioners, that the Petitioners desire to withdraw this Petition and will raise the dispute under Section 28(1-A) of the Act of 1926 before the Registrar of Trade Unions.

7. In view of the above statement, **this Writ Petition is disposed off** as withdrawn, on instructions.

8. All contentions of the parties are kept open, and the withdrawal of this Petition would not be an impediment for the Petitioners to raise the dispute under Section 28(1-A) of the Act of 1926.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)