



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.5093 OF 2024

Mahendra Arjun Gonbare

...*Petitioner*

V/s.

Vaidyaraj Vision and Ors.

...*Respondents*

Mr. Shailesh K. More *for the Petitioner.*

CORAM: SANDEEP V. MARNE, J.

DATED: 22 SEPTEMBER 2025.

P.C.:

1) Petition challenges order dated 8 July 2024 passed by the Presiding Officer and Judge, third Labour Court, Mumbai, rejecting Petitioner's Application being Application (IDA) No.111 of 2021 filed under the provisions of Section 33C (2) of the Industrial Disputes Act, 1947 (**ID Act**) on the ground that the Petitioner has failed to prove that he has existing right to claim amount mentioned in the application.

2) I have heard Mr. More, the learned counsel appearing for the Petitioner.

3) By order dated 9 December 2024 this Court issued notice to the Respondents. Records indicate that the notices have been served on Respondent Nos.1 to 6. However, none has chosen to appear on behalf of Respondent Nos.1 to 6.

4) Main grievance raised by Mr. More is that another similarly placed employee Mr. Sudhir Shankar Zagade had filed Application (IDA) No.110 of 2021 seeking similar prayers under Section 33C (2) of the ID Act. He would invite my attention to the order dated 31 October 2023 passed by the Labour Court in the case of Mr. Sudhir Shankar Zagade. Mr. More would invite my attention to roznama dated 1 July 2024 by which copy of order passed in the case of Mr. Sudhir Shankar Zagade was placed before the Labour Court. He would however submit that Labour Court failed to take into consideration order passed in the case of Mr. Sudhir Shankar Zagade. Mr. More would submit that the entire order passed by the Labour Court in case of the Petitioner does not even refer to the order passed in the case of Mr. Sudhir Shankar Zagade. According to Mr. More, order passed by the Labour Court has been complied with by the Respondents by paying the amount awarded by the Labour Court.

5) There appears to be non-application of mind on the part of the Labour Court to the order passed in the case of Mr. Sudhir Shankar Zagade. In my view therefore, proper course of action is to remand the proceedings for fresh decision by the Labour Court. The Labour Court shall take into consideration the order dated 31 October 2023 passed in Application (IDA) No.110 of 2021 and thereafter decide the application of the Petitioner afresh.

6) I accordingly proceed to pass the following order:-

- (i) Order dated 8 July 2024 passed by the Presiding Officer and Judge, third Labour Court, Mumbai, in Application (IDA) No.111 of 2021 is set aside.

(ii) Application (IDA) No.111 of 2021 shall stand restored on the file of third Labour Court, Mumbai, who shall proceed to decide the same afresh after taking into consideration order dated 31 October 2023 passed in Application (IDA) No.110 of 2021 (Mr. Sudhir Shankar Zagade V/s. M/s. Vaidyaraj Vision and Ors.).

(iii) Remanded proceedings shall be decided by the Labour Court afresh without being influenced by any of the observations made in the present order.

7) With the above directions, Petition is **partly allowed and disposed of.**

[SANDEEP V. MARNE, J.]