



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1046/2025

M/s. Lokmat Media Pvt. Ltd. .Vs. Lokmat Shramik Sanghatana and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. G. Bhangde, Senior Advocate assisted by Mr. Adarsh Baheti,
Advocate for petitioner.

Mr. S. D. Thakur, advocate for respondents.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 5, 2025

On 26.02.2025, following order was passed.

“Heard.

The question involved is whether the Industrial Court ought to have decided the preliminary objection as regards maintainability of the complaint lodged by respondent no. 1 – union under Section 33A of the Industrial Disputes Act, 1947. The Industrial Court appears to be of the view that once such complaint is received, it assumes character of reference and that reference can neither be dismissed in default nor can it be proceeded ex parte and similarly, it cannot be disposed of on preliminary objection.

Mr. M. G. Bhangde, learned Senior Counsel has invited my attention to Rule 26 of the Industrial Disputes (Maharashtra) Rules, 1957, which provides that where party fails to appear, the proceedings shall proceed ex parte. Thus, the finding of the Industrial Court that the complaint/reference cannot be proceeded ex parte is said to be contrary to the aforesaid rule and similar will be the position as regards preliminary objection.

The petitioner intends to rely upon the judgment of Hon’ble Supreme Court in the case of Krishna Kumar Birla Vs. Rajendra Singh Lodha and others [(2008) 4 SCC 300]. In the said case, the proceedings were under the provisions of the Succession Act and the argument was that there being no provision in the Act to determine preliminary issue, the High Court could not have decided the same. The Supreme Court, while refusing contention, referred to the general powers of

the Court as also power under Order XIV Rule 1 of the Code of Civil Procedure, 1908, which permits framing preliminary issue as regards maintainability or otherwise of the application and held that the Court will be entitled to dismiss a lis at the threshold, if it is found not maintainable.

Issue notice, returnable on 5-3-2025.

Hamdast granted.

In the meantime, there shall be stay to the proceedings Complaint (IDA) No. 01/2024 pending before the Industrial Court No. 4, Nagpur.”

2. Mr. S. D. Thakur, learned counsel for respondents submits that keeping open all objections, which the respondents intend to raise, the Industrial Court may consider application under question.

3. In view of above and what has been stated in order dated 26.02.2025, impugned order dated 04.02.2025, passed below application Exh.C-3 by Member, Industrial Court-4, Nagpur, is quashed and set aside. Application Exh.C-3 is restored on the file of Industrial Court to decide it afresh, in accordance with law and what has been stated in the body of order. All contentions are kept open.

The Industrial Court shall make an endeavour to decide the application and the proceedings as expeditiously as possible.

No order as to costs.

(Anil L. Pansare, J.)