

17.03.2026
Item No.5
Ct. No. 30
Aloke

WPA 5991 of 2026

**MCC PTA India Corp. Pvt. Ltd.
Vs
The State of West Bengal & Ors.**

Mr. Suvadip Bhattacharjee
Mr. Balaram Patra
... for the petitioner

Mr. Soumya Majumder, ld.Sr.Adv.
Mr. Saptarshi Mandal
... for the respondent no. 3

Mr. Susanta Pal
Mr. Arindam Mitra
... for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondent no. 2 to dispose of the complaint dated 31.10.2025 and 27.01.2026 filed by the petitioner.
3. Mr. Soumya Majumder, learned senior counsel, appearing for the respondent no. 3 submits that the petitioner's complaint has not been filed by a substantial number of workmen and, as such, cannot be treated as an industrial dispute. It is thus submitted that it is not an Industrial Dispute and the petitioner's complaint is liable to be

rejected and the writ application is to be dismissed.

4. Mr. Bhattacharya, learned counsel for the petitioner submits that his only prayer is that his complaint may be disposed of in accordance with law.
5. Mr. Majumder appearing for the respondent no. 3 submits that the first criteria required for considering such a complaint raised is that there is exists an Industrial Dispute as per Section 12(1) of the Industrial Disputes Act and in this case as a substantial number of workmen has not raised the issue, the same cannot be treated as an industrial dispute and, as such, is not maintainable before the authority concerned.
6. On hearing the learned counsels for the parties and on perusal of the materials on record and the relevant provisions of law as discussed, the writ application is disposed of with the direction that the respondent no.2 being the Deputy Labour Commissioner, Haldia, shall consider the said complaints in accordance with law by keeping in mind the provision of Section 12(1) of the Industrial Disputes Act and on coming to a specific finding on hearing all the parties **as to whether an Industrial Dispute actually exists**, shall proceed to dispose of the said applications, preferably within two months from the date of this order..

7. **WPA 5991 of 2026 is thus disposed of.**

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)