06.10.2026
Item No.26
Ct. No. 30
g.b.

WPA 27400 of 2026

Bharat Hitech Cements Pvt. Ltd.
Vs
Union of India & Ors.

Mr. Sujit Banerjee
Mr. Nilay Sengupta
... For the petitioner
Ms. Aparna Banerjee
Mr. Debopam Roy
....For the State
Mr. Kalyan Kr. Chakraborty
Mr. Sushil Kr. Mishra
.....For the Union of India

1. Affidavit of service filed be taken on record.
2. The writ application has been preferred being aggrieved by an order dated 9th July, 2026 passed by the Assistant Labour Commissioner under the Government of West Bengal wherein the authority has directed as follows:

"directed to inform you that Bharat Hitech (Cement) Pvt. Ltd is a controlled industry and the Central Government is the appropriate Government under the provisions of the Industrial Disputes Act, 1947, for the purpose of settlement of industrial disputes and regulation of service conditions.

Accordingly, as this office does not have the requisite jurisdiction in the matter, the alleged industrial dispute is hereby forwarded to your office for taking such action as may be

deemed appropriate under the provisions of the Act."

3. The said letter has been addressed to the Deputy Chief Labour Commissioner (Central) being the respondent no.3 herein.
4. It is further submitted by the petitioner that the petitioner submitted a representation before the respondent no.3 on 31.08.2026 and an application dated 15.09.2026 praying for consideration by the respondent no.3 to come to a decision as to the issue raised by the petitioner as to whether the appropriate Government in respect of the petitioner is the State Government or the Central Government. It is further stated that on coming to such conclusion, the respondent no.3 may proceed accordingly.
5. Learned counsel appearing for the State submits that there is no illegality in the order of the Assistant Labour Commissioner and as such the petitioner is required to attend the hearings before the respondent no.3, as called by the said authority.
6. On hearing the learned counsels for the parties and on perusal of the materials on record, the writ application is disposed of with the direction that the respondent no.3 shall first consider the representation and the application of the petitioner and come to a finding as to who is the

appropriate authority in accordance with law and on coming to such findings shall proceed accordingly.

7. The writ application is disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)