



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 13547 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

PURUSHOTTAM TUKARAM PATIL AND OTHERS
AND

918 WRIT PETITION NO. 13550 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

PRAVIN SAKHARAM PATIL AND OTHERS
AND

919 WRIT PETITION NO. 13551 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

JAYESH DAGADU CHAUDHARI AND OTHERS
AND

920 WRIT PETITION NO. 13553 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

EKNATH BHABHUTA CHAUDHARI AND OTHERS
AND

921 WRIT PETITION NO. 13554 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

JAGANNATH GOVIND PATIL AND OTHERS
AND

922 WRIT PETITION NO. 13558 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

UTTAM LAXMAN PATIL AND OTHERS

**WITH
WRIT PETITION NO. 13561 OF 2024**

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

SAINATH LIMJI CHAUDHARI AND OTHERS

AND

923 WRIT PETITION NO. 13560 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

BHIKAN DASHRATH PATIL AND OTHERS

AND

924 WRIT PETITION NO. 13564 OF 2024

THE ASTORIA AGRO AND ALLIED INDUSTRIES PVT LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

RAJARAM NATTHU PATIL AND OTHERS

...

Mr. Prashant N. Khedkar, Advocate for the Petitioner in all matters

Mr. A. A. A. Khan, Mrs. B. B. Gunjal, Mr. S. M. Ganachari and Mrs. M. L. Sangit, AGP for Respondent/s-State in respective matters

Mr. Anudeep D. Sonar, Advocate for Respondent No.1 (original employee)

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 01.04.2026

FINAL ORDER :-

. Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is a private limited company duly registered under the provisions of the Companies Act, 1956. He submits that the erstwhile Pushpadanteshwar Sahakari Sakhar Karkhana Ltd. was duly registered under the provisions of the

Maharashtra Co-operative Societies Act, 1960 and the Rules framed thereunder. The said Karkhana has gone into liquidation.

3. The employees filed applications under Section 4 of the Payment of Gratuity Act, 1972 for payment of gratuity before the Controlling Authority under the said Act, i.e., the learned Judge of the Labour Court, Dhule.

4. After hearing the parties, the applications came to be allowed by the Controlling Authority. Being aggrieved, the present petitioner preferred appeals under the Payment of Gratuity Act.

5. After hearing the parties, by judgment and order dated 25.09.2024, the learned Industrial Court, Dhule partly allowed the appeals and remitted the matters back to the Labour Court for fresh consideration on merits.

6. Feeling aggrieved by Clause No. 6 of the said order, the petitioner has filed the present writ petition. Clause No. 6 reads thus:

“It is made clear that except the liberty to advance final arguments, the request of the appellant, to give opportunity to defend the matter on merits since the stage of inception, is rejected.”

7. Learned counsel for the petitioner submits that the consistent contention of the petitioner was that the petitioner had not been granted adequate opportunity to defend the matter on merits. He submits that the petitioner has a specific case to demonstrate that the liability of the employer of the original applicants cannot be shouldered upon the petitioner. He submits that in view of Clause No. 6 of the impugned order, the petitioner is

deprived of placing necessary pleadings and leading evidence in support of its defence. As such, the remand ordered by the Industrial Court would be rendered illusory and meaningless.

8. He further submits that, pursuant to the order passed by the Appellate Authority, the petitioner has deposited the basic amount of gratuity before the Labour Court. He therefore prays that Clause No. 6 be struck down and the petitioner be granted an opportunity to file pleadings and lead evidence. He assures that the petitioner shall not protract the proceedings.

9. Learned counsel for the respondents - employees would vehemently oppose the petitions. He submits that the record demonstrates that the petitioner was at fault in not filing its written statement and leading evidence despite having sufficient opportunity before the Labour Court. He submits that Clause No. 6 has been consciously incorporated by the Industrial Court. According to him, sufficient opportunity has been granted by permitting the petitioner to advance final arguments and therefore the petitions deserve dismissal.

10. After hearing the parties at length, I find that the Industrial Court was satisfied that the petitioner could be said to have been denied full opportunity of hearing and to demonstrate how they cannot be burdened with the liability to pay gratuity to the respondents –employees. The appeals before the Industrial Court itself was in order to secure such an opportunity of hearing. The contention of the petitioner is that it could not file its pleadings nor produce evidence on its behalf. Although the petitioner cross-examined the respondents –employees, it did not examine any witness in support of its case.

11. In view of the above, Clause No. 6 of the impugned order, which permits the petitioner to defend the matter on merits but restricts such defence only to oral arguments, does not effectively serve the purpose of granting a meaningful opportunity of hearing. An opportunity of hearing must be real and substantive, enabling the party to present its case fully on all relevant aspects.

12. In the present case, it was the petitioner's contention before the Industrial Court that, due to inadvertence, the pleadings were not properly placed on record and, for want of such pleadings, the petitioner was unable to lead evidence or examine witnesses. In these circumstances, the Industrial Court ought to have permitted the petitioner to file the necessary pleadings and adduce evidence while remanding the matter, instead of merely allowing the petitioner to advance final arguments.

13. In view of this, I deem it appropriate to allow the writ petitions.

ORDER

a. The Writ Petitions are allowed.

b. Clause No. 6 of the impugned order dated 25.09.2024 passed by the Industrial Court, Dhule, is hereby quashed and set aside.

c. The petitioner is permitted to file its written statement before the Labour Court.

d. The parties shall appear before the Labour Court on 20.04.2026. On the said date, the petitioner shall file its written statement along with affidavit in lieu of examination-in-chief of

its witnesses.

e. The Labour Court shall make every endeavour to conclude the proceedings as expeditiously as possible and preferably within a period of six months from the said date.

f. The respondents – employees are permitted to withdraw the amount of gratuity deposited by the petitioner before the Labour Court along with accrued interest.

g. The respondents – employee shall file an application in the Labour Court for directing to the present petitioner to pay interest on the gratuity amount. The Labour Court shall pass an appropriate order thereon bearing in mind employees' right to recover interest.

h. The respondents shall be at liberty to file their pleadings, if any, in response and to lead evidence in rebuttal.

[AJIT B. KADETHANKAR, J.]