

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15910 OF 2022

M/s Vasantdada Shetkari Sahakari
Sakhar Karkhana Ltd
Through Its Managing Director ...Petitioner
VERSUS
Shri Vasant Dada Sutar And Ors ...Respondents

WITH
WRIT PETITION NO. 11809 OF 2024

Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd
Thr. Its Managing Director ...Petitioner
VERSUS
Shri Lalaso Bandu Mujawar And Anr ...Respondents

WITH
WRIT PETITION NO. 11923 OF 2025

M/s Vasantdada Shetkari Sahakari
Sakhar Karkhana Ltd ...Petitioner
VERSUS
Shri Sidram Keru Karande And Anr ...Respondents

WITH
WRIT PETITION NO. 11824 OF 2024

Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd
Thr. Its Managing Director ...Petitioner
VERSUS
Shri Baburao Appa Pandhare And Anr ...Respondents

**WITH
WRIT PETITION NO. 11922 OF 2025**

M/s Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd
Thr. Its Managing Director ...Petitioner
VERSUS
Shri Kondiba Siddha Katkare And Anr ...Respondents

**WITH
WRIT PETITION NO. 11924 OF 2025**

M/s. Vasantdada Shetkari Sahakari Sakhar Karkhana
Ltd. Sangli Thr. Managing Director ...Petitioner
VERSUS
Jagnnath Tanappa Kurade And Ors ...Respondents

**WITH
WRIT PETITION NO. 132 OF 2023**

Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd.
Thr Its Managing Director ...Petitioner
VERSUS
Ashok Ganpatrao Shinde And Ors ...Respondents

**WITH
WRIT PETITION (STAMP) NO. 24304 OF 2022**

M/s Vasantdada Shetkari Sahakari
Sakhar Karkhana Ltd ...Petitioner
VERSUS
Shri Balaso Ganpati Patil And Anr ...Respondents

**WITH
WRIT PETITION NO. 15029 OF 2023**

M/s Vasantdada Shetkari Sahakari
Sakhar Karkhana Ltd ...Petitioner
VERSUS
Shri Namdev Kruhna Jagtap And Anr ...Respondents

**WITH
WRIT PETITION NO. 4513 OF 2024**

M/s Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd	...Petitioner
<u>VERSUS</u>	
Shri Vidyadhar Baburao Ashtekar And Anr	...Respondents

**WITH
WRIT PETITION NO. 11823 OF 2024**

Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd Thr. Its Managing Director	...Petitioner
<u>VERSUS</u>	
Shri Arun Ramchandra Uplavikar And Anr	...Respondents

**WITH
WRIT PETITION NO. 11810 OF 2024**

M/s Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd Thr. Its Managing Director	...Petitioner
<u>VERSUS</u>	
Shri Sampat Shamrao Suryawanshi And Anr	...Respondents

Mr. Sanadiip Mutaalik a/w Simran Sameena a/w Ms. Ketaki S. for Petitioners.

Mr. Nagesh Chavan a/w Mr. Abhang Suryawanshi for Respondent No. 1.

CORAM : M.W. CHANDWANI, J.

DATE : 28th April, 2026.

P. C. :

1. All these Petitions challenge the Judgment and Order dated 04.05.2022 passed by the Industrial Court, Sangli, whereby the Application (*Exhibit U-7*) filed by Respondent No. 1 in each Petition seeking direction to produce original wage register, original bonus register, and original leave

register was partly allowed and the Application (*Exhibit U-8*) seeking production of Tripartite Agreement dated 04.07.2017 executed amongst Petitioner-Sugar Factory, Respondent No. 2-Operator and the Bank in each Petition was allowed.

2. All these Petitions arise out of similar complaints filed by the Respondent No. 1 in each Petition i.e. erstwhile workmen of Petitioner-Sugar Factory. Further, since Petitioner-Sugar Factory and Respondent Nos. 2 and 3 are same in all Petitions and common questions of law and facts are involved in all the Petitions, they are being disposed of analogously.

3. Respondent No. 1 retired between 2012 and 2014 from Petitioner-Sugar Factory. Thereafter, Petitioner-Sugar Factory was taken over by secured creditors under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Respondent No. 2-Operator was the highest bidder in the auction held for running Petitioner-Sugar Factory. Thereby, in accordance with the Tripartite Agreement dated 04.07.2017, Petitioner-Sugar Factory is being operated by Respondent No. 2-Operator on the lease basis.

4. Respondent No. 1 filed complaints before the Industrial Court alleging non-payment of wages, bonus, and leave encashment. In the said complaints, Application (*Exhibit U-7*) was filed by Respondent No. 1 seeking directions against Petitioner-Sugar Factory and Respondent No. 2-Operator to produce

wage registers, bonus registers, and leave encashment registers of the years as follows:

Sr. No.	Writ Petition Nos.	Register sought for relevant year
1.	WP-15910-2022	2003-2011
2.	WP-4513-2024	2003-2011
3.	WP-11810-2024	2003-2016
4.	WP-132-2023	2003-2020
5.	WP-11809-2024	2003-2014
6.	WP-11922-2025	2003-2015
7.	WP-11824-2024	2003-2017
8.	WP-11923-2025	2003-2014
9.	WP-11924-2025	2003-2013
10.	WPST-24304-2022	2003-2013
11.	WP-11823-2024	2003-2015
12.	WP-15029-2023	2003-2011.

Further Application (*Exhibit U-8*) was filed by Respondent No. 1 seeking direction against Petitioner-Sugar Factory and Respondent No. 2-Operator to produce Tripartite Agreement dated 04.07.2017.

5. The said Applications were opposed by Petitioner-Sugar Factory as well as Respondent No. 2-Operator. However, by the impugned order, the Industrial Court directed both Petitioner-Sugar Factory and Respondent No. 2-Operator to produce the documents in their respective possession. Aggrieved thereby, the present Writ Petitions have been filed by Petitioner-Sugar Factory.

6. Though various grounds have been raised, the principal contention of the learned counsel for Petitioner-Sugar Factory is that, as per the Factories Act, 1948, the Payment of Wages Act, 1936, and the Payment of Bonus Act, 1965, the relevant registers are required to be preserved only for a period of Three years after the last entry. Therefore, the Industrial Court ought not to have directed production of records which are more than Ten years old. It is further contended that the records are not traceable with Petitioner-Sugar Factory.

7. On the contrary, the learned counsel for Respondent No. 1 submits that no corroborative evidence has been produced in support of Petitioner-Sugar Factory's contention, nor has any categorical statement been made on affidavit to that extent. Accordingly, he supports the order passed by the Industrial Court.

8. Perusal of the impugned order reveals that, Petitioner-Sugar Factory as well as Respondent No. 2-Operator were directed to produce all such registers for the relevant period, along with the Tripartite Agreement executed amongst Petitioner-Sugar Factory, Respondent No. 2-Operator, and the Bank.

9. Since the complaint in question relates to unpaid wages, bonus, and leave encashment, I do not find any illegality in the Application filed by Respondent No. 1 before the Industrial Court seeking production of the

abovesaid documents. The very issue of unpaid wages, bonus, and leave encashment was pending adjudication before the Industrial Court. Therefore, I do not find merit in the contention of the learned counsel for Petitioner-Sugar Factory that, merely because the statutory preservation period under the Factories Act, 1948, the Payment of Wages Act, 1936, and the Payment of Bonus Act, 1965 has expired, the Court is precluded from directing production of such records.

10. The non-preservation of registers for a prescribed period may attract penal consequences under the respective statutes; however, such provisions cannot operate as an impediment to the Court's power to direct production of records for the purpose of adjudication of disputes.

11. This takes me to the submission of the learned counsel for Petitioner-Sugar Factory that, in the reply, it was stated that records from the year 2010 onwards are not traceable. Thus, it is not the case of Petitioner-Sugar Factory that records for all the year have been destroyed. Moreover, the said reply is not supported by an affidavit.

12. Be that as it may, the fact remains that there is no categorical statement on record by Petitioner-Sugar Factory that the records are not available. It is only stated that the records are "not traceable," which does not mean that they are not in possession of Petitioner-Sugar Factory. Thus, in the absence of any positive assertion that the records are not available, I do not

find any perversity in the order passed by the Industrial Court directing production of the documents. Petitioner-Sugar Factory is, however, at liberty to satisfy the Industrial Court regarding non-availability of records, if so advised.

13. Needless to mention, the Industrial Court shall be at liberty to decide the matter on its own merits in accordance with law, including the provisions relating to production of documents under the Code of Civil Procedure, 1908.

14. In view of the aforesaid observations, I find no merit in the Petitions. Accordingly, all the Writ Petitions are dismissed.

15. The Industrial Court is directed to dispose of the proceedings as expeditiously as possible.

[M.W. CHANDWANI, J.]