

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3496 OF 2025
WITH
WRIT PETITION NO.1261 OF 2023**

Premium Tools Private Limited & Ors. ... Petitioners

V/s.

Assistant Labour Commissioner,
Nashik & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.4032 OF 2023
IN
WRIT PETITION NO.1261 OF 2023**

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2026.01.23
14:38:12 +0530

Prabhakar Jibhau Khairnar & Ors. ... Applicants

In the matter between

Premium Tools Private Limited & Ors. ... Petitioners

V/s.

Assistant Labour Commissioner,
Nashik & Ors. ... Respondents

**WITH
CONTEMPT PETITION NO.256 OF 2022**

Santosh Narayan Pandharekar ... Petitioner

V/s.

District Collector, Nashik & Ors. ... Respondents

**WITH
WRIT PETITION NO.8314 OF 2024**

Jyoti Sham Keluskar ... Petitioner

V/s.

District Collector, Nashik & Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO.15787 OF 2024**

Premium Tools Pvt. Ltd. & Ors. ... Petitioners
V/s.
District Collector, Nashik & Ors. ... Respondents

Mr. Arjun Amanchi with Mr. Vinay Kadam i/by
Amanchi Legal & Co., for the petitioners.

Ms. Jane Cox i/by Mr. Ajinkya Jaibhave for respondent
No.6-Nashik Workers Union.

Mr. S.B. Deore for intervenors/applicants in
IA/4032/2023.

Smt. Mamta S. Srivastava for State in WP/3496/2025.

Mr. P.V. Nelson Rajan for State in WP/1261/2023,
IA/4023/2023, and CP/256/2022.

Smt. S.D. Chipade for State in WP/8314/2024.

Ms. Savina R. Crasto for State in WPST/15787/2024.

Mrs. Ketaki Kaustubh Khare, Government Labour
Officer, Office of the Deputy Commissioner of Labour,
Nashik, is present

CORAM : AMIT BORKAR, J.

DATED : JANUARY 23, 2026

P.C.:

1. Since all these writ petitions raise the same legal issue and arise from similar facts, it is convenient to deal with them together. For that reason, this Court proceeds to decide all petitions by a single common order.

2. The petitioners have questioned the legality of the orders dated 7 February 2020, 27 July 2021, 1 April 2022, 3 March 2023, and 30 August 2024 passed by the Competent Authority. These orders were passed under Section 33C(1) of the Industrial

Disputes Act, 1947. According to the petitioners, the Authority travelled beyond its jurisdiction while issuing recovery certificates under the said provision.

3. The main submission advanced for the petitioners is that respondent No.6, who initiated proceedings under Section 33C(1), did not point out any settlement or Award in his application. Further, while issuing the certificates, the Authority did not refer to any settlement, Award, or rights conferred under Chapter V-A or V-B of the Act. The petitioners submit that without identifying the nature of the right and without first adjudicating whether such right exists, the Authority could not have mechanically issued recovery certificates. It is argued that Section 33C(1) can be applied only where there is a pre-existing and undisputed right arising from a settlement, Award, or under Chapter V-A or V-B. In absence of such findings, the impugned certificates suffer from error of jurisdiction.

4. On the other hand, learned counsel for respondent No.6 relied on a representation dated 12 December 2019, which was submitted to the Authority. This representation mentions a settlement said to have been entered into between respondent No.6 and the petitioners. It is argued that this settlement forms the basis of the claim. According to respondent No.6, the Authority was not required to conduct any further adjudication and was entitled to proceed under Section 33C(1).

5. Upon considering the rival submissions and the material placed before this Court, it becomes evident that the Authority did

not examine a basic jurisdictional aspect. The Authority was required to first determine whether there existed any settlement or Award or any right flowing from Chapter V-A or V-B. This determination goes to the root of the matter. Without such satisfaction, the Authority could not assume that the requirements of Section 33C(1) stood fulfilled.

6. In these circumstances, remand appears to be the correct course. The matter needs to go back to the Competent Authority for fresh consideration limited to the existence of a settlement, Award, or applicability of Chapter V-A or V-B, and thus, existence of a pre-established right. Accordingly, the following directions are issued.

- a) The impugned orders issued by the Competent Authority are quashed and set aside.
- b) The petitioners and respondent No.6 shall remain present before the Competent Authority on 2 February 2026 at 11.00 a.m.
- c) Both sides may file documents or other material to support their respective case.
- d) After considering such material, the Competent Authority shall adjudicate whether the ingredients of Section 33C(1) are satisfied. The Authority shall then pass an order in accordance with law.
- e) Since the claim relates back to the year 2019, the Competent Authority shall decide the matter within four

weeks from the date the parties first appear.

f) Any amount already paid by the petitioners shall remain subject to the fresh adjudication by the Competent Authority.

g) The interveners or applicants in Interim Application No.4032 of 2023 who have resigned may file their claim before the same Authority. Their claims shall be considered in accordance with law.

7. With these directions, all writ petitions along with interim applications are disposed of.

8. The learned AGP has produced a copy of the Award. The same may be taken back on record. No further orders are required on that issue.

9. Since the main writ petitions are disposed of, nothing remains in the contempt petition. It also stands disposed of.

(AMIT BORKAR, J.)