

278 **RA-CW-596-2025**
CM-19318-CWP-2025 in
CWP-4921-2024

RA-CW-596-2025
CM-19419-CWP-2025 in
CWP-4764-2024

KANSAI NEROLAC PAINTS LIMITED

V/S

STATE OF HARYANA AND OTHERS

Present: Mr. Ashish Chopra, Sr. Advocate
 (through video conferencing) with
 Mr. Abhishek Kansal, Advocate
 for the applicant/respondent No.2.

Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Viranjeet Singh Mahal, Advocate and
Ms. Suverna Mutneja, Advocate
for the non-applicant/petitioner.

Mr. Kapil Bansal, DAG, Haryana.

RA-CW-596-2025

1. The instant review application, under Order 47 Rule 1 read with Section 151 CPC, has been filed, seeking review of order dated 11.12.2025 (Annexure A-1), wherethrough, the writ petition(s) were disposed of.
2. The applicant/respondent No.2, has approached this Court, challenging the legality of order dated 04.01.2024 (Annexure P-19), passed by respondent No.3, and further to invoke the writ of *quo warranto*, to show under what authority, the respondent No.3, has passed the order (supra).
3. The main argument raised before this Court is that the authorities concerned lacks the statutory jurisdiction, as the learned Additional Labour Commissioner, NCR, Gurugram, has not been appointed as the Conciliation Officer, under Section 4 read with Section 12 of the Industrial Disputes Act, 1947.

4. This Court, after considering the submissions as made by learned counsel for the parties concerned, has set aside the impugned order.

The relevant paragraph is extracted hereinafter :-

*“6. Although there is no wrangle amongst the parties that the respondent No.3 lacked statutory jurisdiction to pass the impugned orders, learned senior counsel for the workmen nevertheless seeks to sustain them on the ground that similar orders have been passed by the same authority in earlier number of cases also. This submission, however, is untenable. A defect of inherent lack of jurisdiction strikes at the root of the matter and renders the impugned orders nullities in law. The mere fact that the management filed the applications before an authority lacking statutory competence cannot lend legitimacy to orders passed by such authority. As the defect is incurable, the impugned orders cannot be sustained. Accordingly, the **impugned orders are set aside and the matter is remanded for fresh adjudication by the competent authority**”.*

5. The review has now been sought, on the ground, that there is a notification dated 10.08.2006, issued by the Labour and Employment Department, Haryana Government, wherethrough, in exercise of the powers conferred by Sub-section (1) read with Sub-section (20) of Section 4 of the Industrial Disputes Act, 1947, and in supersession of Notification dated 12.04.2006, issued by Haryana Government, Labour Department, the Governor of Haryana, has been pleased to appoint the learned Labour Commissioner, Gurgaon, to be Conciliation Officers, within its jurisdiction.

278 RA-CW-596-2025
CM-19318-CWP-2025 in
CWP-4921-2024

-3-

RA-CW-596-2025
CM-19419-CWP-2025 in
CWP-4764-2024

Copy of the notification is also attached with the instant application, as Annexure A-2.

6. Learned senior counsel for the non-applicant/petitioner, fairly concedes with regard to such assertion that on account of the notification (supra), the authorities concerned does vest with the jurisdiction, to decide the issue on merits. He further submits that the impugned order dated 11.12.2025, needs to be recalled.

7. Since there is consensus between the parties concerned, therefore, the impugned order dated 11.12.2025, passed by this Court, is hereby, **recalled**, and the main writ petition(s) are ordered to be **restored to its original number**.

8. List on 27.08.2026.

9. Photocopy of this order be placed on the connected case file, as numbered above.

(KULDEEP TIWARI)
JUDGE

April 07, 2026
Manpreet