

Filed On		18.01.2025
Registered On	:-	18.01.2025
Decided On	:-	02.04.2025
Duration	:-	00 Y; 02 M; 15 D

Exh. - O -

INDUSTRIAL COURT, MAHARASHTRA, AT MUMBAI
BEFORE SHRI. S.G. THUBE, MEMBER
APPLICATION (MRTU) NO.01 OF 2025
CNR NO. : MHIC01-000028-2025

RASHTRIYA SHRAMIK SANGHATNA

12, Roopam Building,
 2nd Floor, above Hanuman Hotel,
 Sion Circle, Sion (E),
 Mumbai - 400 022

... Applicant

Versus**M/S. KRYSTAL INTEGRATED SERVICES LIMITED,**

15 Krystal House, Dr. Manikikar Road,
 Sion, Mumbai - 400 022.

... Non Applicant Company

Application under Section 11 &
 12 of MRTU & PULP Act, 1971
 for registration as recognized
 Union.

CORAM : Shri. S. G. Thube, Member

Appearances: Shri.S.S. Chaubal, Ld. Advocate for Applicant
 Shr. Mohit Kapoor, Advocate for Non-Applicant
 Company

~: J U D G M E N T :~
(Passed on this 02th April, 2025)

01. Applicant-Union has filed this application for recognition under Section 11 and 12 of MRTU and PULP Act. Applicant - Union is registered under Trade Union Act, 1926 on

18.07.2007 under the Certificate No. ALC/Karyasan17/10256 issued by register of trade Union. The Applicant Union has the office bearers are elected on 29.02.2024. Applicant - Union has membership in workmen category in the undertaking of Opponent for the whole period of 6 calendar months immediately preceding the month on which this application is made. Total number of employees in workmen category are / were 2250 i.e. in the month of July, 2024 to month of December, 2024 having number of members of Applicant - Union as 2250 i.e. 100% employees / workmen of Opponent - Company are the members of Applicant - Union.

02. Then submit that, in the executive committee meeting of the Applicant - Union held on 14.12.2024, it was decided that, the Union shall apply for registration as recognized Union for Opponent Undertaking. Opponent Undertaking is engaged in the business of service industries such as providing security, house keeping, traffic warden, facility attendant and others. Opponent Undertaking is a Company and following persons are on the board of Directors i.e. Ms. Neeta Prasad Lad, Chairperson and Managing Director, Mr. Pravin Lad - Full-time Director, Mr. Sanjay Suryakant Dighe - C.E.O and Whole-time Director, Miss. Sayali Prasad Lad Whole-time Director, Shubham Prasad Lad - Whole-time Director, Mr. Sundar Ram Korivi - Independent Director, Miss Dhanya Pattathil - Independent Director, Miss. Kannika Thakur - Independent Director, Mr. Mahesh Redkar - Independent Director, Miss. Yajyoti Singh - Independent Director.

03. Then submitted that, the constitution of Applicant -

Union provided for the matters mentioned in Clause/Section 19 of the copy of Constitution. Applicant - Union has not instigated or added or assisted the commencement or constitution or a strike amongst the employees in the Undertaking for which the Applicant - Union seek recognition, which is deemed to be illegal under the act within 6 months immediately preceding the date of this application. Applicant - Union hereby tenders of the prescribed fees of Rs. 5/- for the application. Applicant - Union has not made application for registration as a recognized Union for Opponent - Company. The member of Applicant - Union has to pay monthly subscription of Rs. 10 every month.

04. Further submit that, The executive committee of the Applicant - Union meet on the following dates during the 12 months preceding the date of application i.e. on 20.01.2024, 17.02.2024, 23.03.2024, 27.04.2024, 11.05.2024, 15.06.2024, 20.07.2024, 03.08.2024, 21.09.2024, 26.10.2024, 16.11.2024 and 14.12.2024. So also, Applicant Union has conducted its general body meeting on 29.02.2024. As well as, maintain minutes of books in which all resolutions passed by the General Body of the Union and executive committee are recorded. Applicant - Union maintains its account and such account were last audited by M/s. P.B.G. & Associates Chartered Accountant on 24.02.2024. The year of account of Applicant - Union is from January to December. Applicant - Union has its own roll member employees employed in the Opponent Undertaking for which this application is filed. Thus, in view of above-mentioned material averments prays that, application may be allowed and Applicant - Union be declared as re-cognized Union for Opponent Undertaking.

05. On the other hand, in this matter, Opponent Undertaking/Company appears before this Court and by way of reply vide Exh. C-3, and affidavit vide Exh. C-4 submit that, it has no objection, if the Applicant - Union registered as recognized Union in its Undertaking, if this Court is satisfied that the Applicant - Union has complied with the provision of Section 11, 12 and 19 of MRTU and PULP Act for the registration of Union as recognized Union.

06. On the basis of rival pleadings of respective parties, I framed issues vide Exh. O-1 on 18.03.2025. My findings and reasoning on the said issues are stated hereinafter in the foregoing paras of this judgment are as under:-

<u>Sr. No.</u>	<u>ISSUES</u>	<u>FINDINGS</u>
1.	Does the Applicant Union prove that, it fulfills or comply the conditions which required under Section 11 and 12 for recognition and complies with the conditions specified in Section 19 of MRTU & PULP Act, 1971?	In the affirmative.
2.	Whether Applicant - Sanghtana is entitled for the relief as claimed?	As per final order.
3.	What order?	As per final order

REASONS

07. In this application applicant - Union in support to prove the contents of application (MRTU) adduce on record oral evidence of Representative of Applicant - Union by way of affidavit of examination-in-chief of, Shri. Dipesh Mehta, General Secretary of

Applicant - Union vide Exh. U-6. As well as adduced on record documentary evidence i.e. copy of registered address of Applicant - Union vide Exh. U-7, list of members of Applicant - Union alphabetically vide Exh. U-8, certificate of registration of Trade Union vide Exh. U-9, authority of the person for filing the application at Exh. U-10, true copy of the constitution and rules of Applicant - Union vide Exh. U-11, audit report vide Exh. U-12, resolutions nos. 1, 2 and 3 vide Exh. U-13 collectively and list of office bearers vide Exh. U-14.

08. On the other hand, Opponent - Company by way of filing pursis submit that, its Company/ Undertaking do not want to lead oral and documentary evidence. Thus, this application (MRTU) is decided on the basis of oral evidence of the witness of Applicant - Union and documentary evidence which are placed on record.

AS TO ISSUE NO. 1 & 2

09. These issues are inter-connected with each other, hence for the purpose of avoiding repetition of same facts again and again, I decide to discuss these issues jointly or simultaneously.

10. As to these issues, the learned counsel on behalf of Applicant - Union argued that, in the line of the averments mentioned in Exh. U-1 i.e. submitted that, Applicant - Union fully make the compliance of Section 11, 12 and 19 of MRTU and PULP Act, which required for registration as recognized Union. Means submitted that, with Applicant - Union having more than 30% membership as required by Section 11 of MRTU and PULP Act.

Means in the case in hand, in Opponent - Company at present only Applicant - Union is functioning and said Union having total strength of membership as 2250 since preceding 6 calendar months prior to filing of this application. Thus, Applicant - Union having 100 % membership hence, Applicant - Union is entitled for filing this application for registration as recognized Union.

11. Then submit that, Applicant - Union fulfilled the condition of payment of prescribed fees not exceeding Rs. 5/-. In this application, it is a fact that in Opponent - Company no other Union is functioning. Hence, the question of publication of notice on notice board and calling objections of another Union does not survive. So also, Opponent- Company / Undertaking is having no objection for grant of recognition to Applicant - Union. Thus, in short submit that the compliance of Section 12 is also made by Applicant - Union.

12. Further argued that, Applicant - Union made the compliance of the requirement which provide as per Section 19 of MRTU and PULP Act i.e. the membership subscription of the Applicant - Union may not be less than fifty-paise per month i.e. in the case in hand, the subscription fees of member of the Applicant - Union per month is of Rs. 10/- for each member. So also, the executive committee of the Applicant - Union meet at intervals of more than 3 months i.e. in 12 months executive committee of the Applicant - Union meet on 20.01.2024, 17.02.2024, 23.03.2024, 27.04.2024, 11.05.2024, 15.06.2024, 20.07.2024, 03.08.2024, 21.09.2024, 26.10.2024, 16.11.2024 and 14.12.2024. As well as, all resolutions passed in Applicant - Union by executive committee or

the General body of Union be recorded in minute book kept in the office of Applicant - Union. So also, audit of the Applicant - Union is audited by appointing Auditor by State Government in each financial year. Thus, in short submit that Applicant - Union satisfactorily shows the compliance of Section 11, 12 and 19 of MRTU and PULP Act, which required for registration as recognized Union. Hence, prays that, certificate of registration may be granted by allowing this application.

13. On the other hand, learned counsel on behalf of Opponent Undertaking submit that, its Undertaking / Company is not having objection to grant certificate of recognition to Applicant - Union, if Applicant - Union fulfill the criteria / requirements as laid down in Section 11, 12 and 19 of MRTU and PULP Act. Thus, in short submit that, Opponent - Company / Undertaking is having no objection for grant of recognition to Applicant - Union according to Law as laid down in above-mentioned relevant provisions of MRTU and PULP Act.

14. Thus considering the arguments as advanced by learned counsel on behalf of Applicant - Union, Opponent - Company/ Undertaking and carefully gone through oral and documentary evidence of Applicant - Union, it appears that, Applicant - Union with the help of oral evidence of its witness namely, Dipesh Mehta succeeded to show that, Applicant - Union fulfill the criteria / requirements as laid down in Section 11, 12 and 19 of MRTU and PULP Act, which required for grant of recognition to Union. Carefully reading affidavit of examination-in-chief of the said witness of Applicant - Union appears that, in the

said affidavit, he narrated the averments as narrated in application (MRTU) i.e. in Exh. U-1 in support to show how Applicant - Union complied the requirements of Section 11, 12 and 19 of MRTU and PULP Act. Opponent - Company / Undertaking declined to conduct the cross of this witness of Applicant - Union, means indirectly given no objection for registration as a recognized Union to Applicant Union. Hence, in view of aforesaid oral evidence of the witness of Applicant - Union, I hold that Applicant - Union is entitled for registration as a recognized Union in the Company / Undertaking of Opponent.

15. Then, carefully gone through the documents vide Exh. U-7 to U-14, it appears that, by way of Exh. U-7 Applicant - Union disclose registered address of its Union. Then, as per Exh. U-8 showing the strength of membership of its Union by way of list of members, which prepared alphabetically. As per the said list, Applicant - Union having strength of membership as 2250 in preceding 6 calendar months prior to filing of this application MRTU i.e. since, July, 2024 to December, 2024, the strength of membership of the Applicant - Union in Opponent - Company/ Undertaking shows as 100% i.e. more than 30% as required by Section 11 of the MRTU and PULP Act. So also, in the said list of membership mention receipt number of each member alongwith date of joining of each member. The said receipt number and date of joining of each member nowhere disputed by Opponent - Company/ Undertaking.

16. Then, in view of the document of certificate of registration of Trade Union under the provisions of Trade Union

Act, 1926 shows that, Applicant - Union is a registered trade Union and having registration no. as ALC/Karyasan17/10256. Thus, in view of said certificate appears that, Applicant - Union is a registered trade Union. Then, in view of the document of Audit Report and resolution 1, 2 and 3 vide Exh. U-12 and 13 collectively and as per list of office bearers vide Exh. U-14 shows that, Applicant - Union audited its account and in respect of that file certificate/declaration of Auditors of P.B.G. and Associates Chartered Accountant. In the said declaration mentioned that, Applicant - Union has properly maintained its membership register and its book of accounts as required by Law. As well as, said account and statement have been properly drawn up. Then, in view of resolution 1, 2 and 3 is in respect of filing of application(MRTU) for recognition, appointment of Advocate for the said work and other resolution. The aforesaid resolutions passed in executive committee and general body meeting of the Applicant - Union. Then, in view of list of office bearer vide Exh. U-14 shows that, Prasad Lad elected as President, Dipesh Mehta as General Secretary, Dipak Gule as Secretary, Balasaheb Ghadge as a Treasurer, Kalinda Shaikh, Lakha Singh and Manda Bobade, all are members and elected on 29.02.2024 as office bearers for the year 2024.

17. Thus, in view of above-mentioned documentary evidence, it is crystal clear that, Applicant - Union make the compliance of Section 11, 12 and 19 of MRTU and PULP Act, which required for obtaining registration as a recognized Union from Industrial Court. The above-mentioned documentary evidence nowhere challenged by Opponent - Company / Undertaking only

submit that, if the said compliance is / are within the four corners of Section 11, 12 and 19 of MRTU and PULP Act then, its Company/ Undertaking in the capacity of employer has no objection for grant of certificate as register recognized Union to Applicant - Union for Opponent - Company/ Undertaking.

18. Thus, in view of above observations and considering that except Applicant - Union, no any other Union is functioning in Opponent - Company / Undertaking, as well as, no any other Union by appearing before this Court objected this application of Applicant - Union, hence, I hold that, Applicant - Union is entitled for registration as recognized Union in Company / Undertaking of Opponent. Thus, in result of above reasoning, I recorded by findings on Issue No.1 in the affirmative, on Issue No. 2 as per final order and proceeded to pass the following order :-

ORDER

- 1) *Application (MRTU) No.01 of 2025 is hereby allowed.*
- 2) *Issue certificate for registering Applicant - Union as recognized Union for Opponent-Company/Undertaking.*
- 3) *No order as to costs.*

Place: Mumbai.

Dated: 02.04.2025

pmk/-

(S. G. THUBE)

Member,

Industrial Court, Mumbai.

Argued on	: 02.04.2025
Judgment dictated on	: 02.04.2025
Judgment transcribed on	: 02.04.2025
Judgment checked & signed on	: 04.04.2025