

RECOVERY APPLICATION 33C(2) No. 49 of 2026

ORDER BELOW EXH-01

1. Present application under Section 33C(2) of the Industrial Disputes Act, 1947 filed for recovery of the amount ₹ 5,10,529/-. It is contended that said amount is alleged to be due and payable to the applicant by the respondents as per award passed in Reference T LCV No. 331 of 2011 as per statutory entitlement under the Act. It is stated that the Respondent did not pay the due amount as per order and therefore, the present application had been filed. It is prayed to allow the present application directing the Respondent to pay said due amount along with interest.
2. It appears from the record that the award passed in the original reference has been challenged before Hon'ble High Court through R/SPECIAL CIVIL APPLICATION No. 5133 of 2026 wherein the Hon'ble High Court has passed an order of interim relief on 23-04-2026. Due to pendency of the same, the award passed in the original reference itself cannot be said to have attained finality. Even otherwise, the applicant may again file a recovery application if the amounts as ordered by the Hon'ble High Court are not paid.
3. It would not be appropriate to keep present matter pending at the same stage for an infinite period of time and no just purpose would be served. No prejudice would be caused to either party if present application would be disposed of. Hence, this court hereby passes the following :

ORDER

1. The Present Recovery Application is hereby ***DISMISSED and DISPOSED OF.***

2. It is hereby clarified that the present order would not debar the applicant from initiating appropriate fresh proceedings or other remedies available in law in subject outcome of R/SPECIAL CIVIL APPLICATION No. 5133 of 2026 pending before the Hon'ble High Court.
3. No order as to costs.

Pronounced in open Court on 18th July, 2026.

Place : Valsad
Date : 18-07-2026

[Chaitanya V. Limbachiya]
Presiding Officer & Judge,
Labour Court, Valsad.
Judge Code : GJ01556