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THE COURT OF THE PRESIDING OFFICER LABOUR COURT AT VALSAD

[Presided over by Mr. Chaitanya V. Limbachiya, Judge]

Recovery Application No.6 of 2026

[Under Section 33C(1) of the Industrial Disputes Act, 1947]

Arising out of

Reference (L.C.V.) No. 353 of 2014

Exh-10

APPLICANT :

SHRI TUKARAM JADAV

Residing at 106, Chandralok Apartment, Gayatri Nagar,

Bhilad, Sarigam Road, Tal.Umargam, Dist.Valsad

% Gujarat Rajya Kamdar Seva Sangh

At Sai Plaza Complex, B/204, Second Floor, Opp. Telephone

Exchange, G.I.D.C.-Char Rasta-Vapi,

Tal.Vapi, Dist.Valsad.

VERSUS

RESPONDENT :

Shri Manager/Director

M/s MISSION VIVACARE LTD.

At Plot No. 3325, G.I.D.C., Sarigam - 396155

Address for Notice to be issued at :

Manager/Director

MVC PHARMACEUTICALS

At 13 Nalini Kunj, King's Circle, Mumbai-400019

Appearance :

For Applicant Mr. R.M. Prajapati, Union Representative,
For Respondent MVC PHARMA. Mr. H.B. Lad, Adv.

:: ORDER ::

FACTS OF THE APPLICATION :

1. Present application under Section 33C(1) of the Industrial Disputes Act, 1947 (herein after referred to as “the ID Act”) has been filed for recovery of a sum of ₹1,55,000/- alleged to be due and payable to the applicant by the respondent, as per the award dated 08-04-2025 passed in Reference (L.C.V.) No. 353 of 2014 as per statutory entitlement under the Act. It is stated that the said amount determined and quantified in terms of the order, remains unpaid despite demand. It is also stated to issue notice to the respondent on a new address namely MVC Pharmaceuticals. Hence, it is stated to allow the present application.

CASE PROCEEDINGS :

2. Notice of the recovery application for the respondent on the address of MVC Pharmaceuticals. A reply was filed on behalf of MVC Pharmaceuticals at Exh-09 denying facts of the application. It is stated that said notice had been wrongly served to it and the applicant was not its employee. Further, the applicant had not established any connection between the original respondent namely M/s Mission Vivacare Ltd and MVC Pharmaceuticals. It has no relation with either M/s Mission Vivacare Ltd or M/s. Aarti Drugs Ltd. It is stated that MVC Pharmaceuticals is a separate and different entity which had commenced its business from 01-04-2017 which is much after the alleged termination of the Applicant's Service with the Original Respondent M/s Mission Vivacare Ltd. It is contended

that M/s Mission Vivacare Ltd has been liquidated by the order of the Hon'ble Bombay High Court dated 01-07-2014. If the Applicant has any claim against the said respondent then he shall file his claim before the Official Liquidator i.e. Bombay High Court for his outstanding dues for his service and any recovery proceedings for such dues. Therefore, it is prayed to drop the proceedings against the MVC Pharmaceuticals and not to initiate any legal proceedings against it. Thereafter, hearing arguments of the both parties, the present matter was reserved for the order.

ON MERITS:

3. Under Section 33C(1), the Labour Court acts essentially as an executing court. Its jurisdiction is limited to enforcing a pre-existing, quantified right or award. It cannot adjudicate a fresh dispute or determine the liability of an entirely new party for the first time.
4. The original award dated 08-04-2025 was passed against M/s Mission Vivacare Limited, not MVC Pharmaceuticals. MVC Pharmaceuticals has successfully demonstrated that it is a separate and distinct partnership entity that commenced business on 01-04-2017—well after the applicant's service with the original company ended.
5. The Applicant has neither denied nor disproved the fact that the original respondent, M/s Mission Vivacare Limited, was ordered to be liquidated by the Hon'ble Bombay High Court. Since the company is under liquidation, any recovery of outstanding dues must be claimed through the Official Liquidator of the Bombay High Court, rather than by seeking a recovery certificate against an unrelated third-party entity. The applicant has failed to establish any corporate connection, merger, or legal succession linking M/s Mission Vivacare Limited to MVC Pharmaceuticals.

6. In the circumstances, this court is of the opinion that the applicant has failed to establish any legal relationship or liability linking MVC Pharmaceuticals to the original judgment debtor, M/s Mission Vivacare Limited (which is under liquidation). A recovery certificate under Section 33C(1) cannot be issued against a distinct stranger entity to the award. In light of the aforesaid discussion the following order is passed :

ORDER

1. The Present Recovery Application under Section 33C(1) of the Industrial Disputes Act, 1947 is hereby **DISMISSED against MVC Pharmaceuticals.**
2. The Applicant is at liberty to file his claim before the Official Liquidator to recover outstanding dues from M/s Mission Vivacare Limited (In Liquidation) in accordance with law.
3. No order as to costs.

Pronounced in open Court today on 04th June, 2026.

Place : Valsad
Date : 04-06-2026

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