

**IN THE INDUSTRIAL COURT MAHARASHTRA AT MUMBAI****COMPLAINT (ULP) NO. 96 OF 2020**

Krantikari Kamgar Union  
180 C, First Floor, Dharavi Koliwada,  
J.J. Keni Lane, Dharavi Road,  
Mumbai-400 017.

...Complainant

Versus

Mahanagar Media Networks Pvt. Ltd.  
502, Omega House,  
Hiranandani Garden,  
Powai, Mumbai-400 076  
& 3 Ors.

...Respondents

**CORAM: V. G. RAGHUWANSHI, MEMBER.**

Appearances: Shri. A.D. Nimbalkar, Advocate for Complainant.  
Shri. Mahesh Shukla, Advocate for Respondents.

**ORDER BELOW EXH.C-18****(Dated : 01.11.2025)**

1) Perused application, say and record. Heard both sides. Ld. Counsel for respondents Shri. Mahesh Shukla drew my attention towards order below Exh.U-2 whereby the respondents were restrained from selling, shifting or transferring the plot no. 604 and 631, they were further restrained from dismantling the plant and machinery till final disposal of the main complaint. He drew my attention towards the direction in Exh.U-2 to allow employees to resume duty, if they are not legally terminated, vice-versa if they are terminated, then pay them legal dues forthwith. He submitted that in obedience to aforesaid order, respondent employer deposited

legal dues of all employees in court. He drew my attention towards order of Hon'ble High Court in Writ Petition No.3738/2023 dated 04.09.2025 wherein Hon'ble High Court observed that "respondent employer has deposited Rs.35,20,973/- in office of Industrial Tribunal towards retrenchment compensation in respect of 16+18 employees." He submits that employer has already deposited retrenchment compensation of all employees in the court. The employees are given liberty to withdraw that amount by Hon'ble High Court. He submits that the machines of respondent employer are lying idle in the premises thereby increasing expenses of respondent employer and therefore, they are required to be removed from there and respondent company should be allowed to dismantle said machinery i.e. Orient JSP 500. He submits that he got said machinery valued by a registered valuer and it is valued at Rs.32,92,600/-. Shri. Mahesh Shukla further submitted that complainants dispute their retrenchment. In view of losses of machinery, respondent employer is seeking modification of second part of clause 2 of operative order below Exh.U-2. He submits that interest of employees have already been protected. Employer has deposited Rs.35,00,000/- in the court and transferred Rs.14,38,601/- + Rs.9,91,939/- to accounts of all employees. That means the employer has transferred Rs.24,30,540/- to accounts of employees who are members of complainant union. He further submits that respondent employer is not seeking relief about plot. He submits that employer is tenant of that plot, it is owned by sister concern of employer. He submits that he has no intention to dispose of that machine, he only wants to dismantle that machine

and keep it at another place. He undertakes to preserve and keep it safe. He prays for allowing him to dismantle the machine and keep it safely and seeks modification of the order below Exh.U-2.

2) On the other hand, Ld. Counsel of complainant Shri. Nimbalkar submitted that 34 employees of respondent are members of complainant union, they are left high and dry due to illegal closure of business by respondent. He brought to my notice that respondent issued closure notice on 18.03.2020 to all employees and forwarded a copy thereof to Dy. Labour Commissioner and declared closure from the same day. He pointed out that this notice was illegal as there was no compliance of Section 25FFF of Industrial Disputes Act. He submitted that respondent employer is misleading about ownership of the plot. It is owned by sister concern of respondent. He pointed out that respondent outsourced the work of printing. He submitted that editing and all other work is done by respondent only. That means business of respondent is going on. He drew my attention towards advertisement in daily "Navbharat Times," in the advertisement daily Mahanagar invited applications for the post of assistant editor, reporters, stringers, layout designer cum operatives, circular executives and marketing executives. He also pointed out that the newspaper Mahanagar is published at present also and it is having a huge circulation of about 1,50,000 per day. Shri. Nimbalkar submitted that respondent employer is giving misleading information, he is having very good business and he is still avoiding to re-employ the employees who were illegally terminated. He prayed for rejecting this application.

3) In the course of argument, Shri. Mahesh Shukla, submitted that respondent employer will not sell or transfer the machine which he desires to dismantle, he will keep that machine in safe place. He also submitted that this court may pass an order subject to filing of affidavit by respondent that he will keep machine in safe place and will not dispose of that machine till this case is decided. Shri. Nimbalkar also agreed to this position. Therefore, having regard to the circumstances that the machine is lying idle in rented premises for last five years and the owner is worried that his machine will be damaged as it is unused for such a long time, he desires to protect that machine. The employees also have no objection to make such an arrangement, I proceed to pass following order.

**ORDER**

- 1) Application is allowed.
- 2) Order below Exh.U-2 dated 10.11.2022 is modified as follows:-
  - a) Respondents no. 1 to 3 are allowed to dismantle the plant and machine and keep the same in safe place till final disposal of the main complaint subject to condition that respondent employer shall file his affidavit to that effect on next date.

Dated: 01.11.2025

(V. G. RAGHUWANSHI)  
Member  
Industrial Court, Mumbai