

MHIC010010442022



**BEFORE THE PRESIDENT, INDUSTRIAL COURT, MAHARASHTRA,  
MUMBAI**

**COMPLAINT (ULP)No.155 of 2022**

**Kamgar Aghadi Union.  
Versus  
M/s. LOTUS-Surprising the City (Principal Employer)  
& ors.**

**Order below Exh. U-2  
(Passed on 24.11.2025)**

1. Perused the application and say of Respondent No.3. Heard learned advocates for the Complainant and Respondent No.3. The matter proceeded without say of Respondent No.1 and notice not served on Respondent No.4.
2. According to the Complainant, Respondent No.1 is principal employer, furthermore Respondent No.2 is also principal employer, but name of Respondent No.2 is deleted. Respondent No.3 is contractor and Respondent No.4 is sub-contractor. The employees whose names are given in Exhibit "A" attached with the complaint were working with Respondent No.1. They were called on work through Respondent Nos.3 and 4 by Respondent No.1. However, the Respondents did not pay their salary of 2 months November and December 2020, amounting Rs.3,51,713/-. The Respondents threatened to the employees to terminate their service and closing down the establishment as well as moving and selling the machineries and articles and also lay off. If the services of employees are terminated, they will lose their job. Given the case, the Respondents have

engaged in unfair labour practice described in items 1(a), (b), 2 and 6 of Schedule II and items 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971. Therefore, grant interim reliefs, as prayed, till the decision of the main complaint.

3. Respondent No.3 filed say Exhibit C-4 and denied the interim clam of the complainant and also strongly opposed the interim reliefs application of the complainant. It is admitted that Respondent No.1 is principal employer, Respondent No.3 is contractor and Respondent No.4 is sub-contractor. As per the agreement dated 11.03.2022, Respondent No.3 paid salary of concerned employees and legal dues to Respondent No.4. The complainant is seeking interim relief which is in the nature of main relief in favour of the employees whose names are given in Exhibit "A" attached with the complaint. All the reliefs claimed are in the nature of final relief. Therefore, the complainant is not entitled to the interim reliefs. Hence, the application of the complainant may be rejected.

4. At this stage, there is no material on record that the employees whose names are given in Exhibit "A" attached with the complaint are working with either of the Respondents. Therefore, no question arise to terminate their service or to give direction to the Respondents to pay wages to them in every month, restrain the Respondents from closing down the establishment and moving, selling the machineries and furthermore to seal the bank account of the Respondents. The Complainant is seeking main relief that give direction to the Respondents to pay arrears of salary amount of Rs.3,51,713/- to 11 employees. The Complainant has to prove that the said salary amount is due against the Respondents and so it is matter of merit. If the Complainant proves the same, the employees will be entitled to the said amount from the Respondents. This interim relief is in the nature of main

relief and so it cannot be granted at the interim stage.

5. After perusing the material on record and the reliefs claimed by the Complainant for the employees, I am of the view that given the above discussion, there is no material to grant interim reliefs in favour of the employees, as prayed in application Exhibit U-2. Accordingly, the Complainant has not made out prima facie case for interim relief. Thus, the interim relief application deserves to be rejected. With this, I proceed to pass the following Order:-

O R D E R

The application Exhibit U-2 is rejected with no order as to cost.

The Order is dictated directly on a computer and pronounced in the open Court on 24.11.2025.

Place : Mumbai  
Date : 24.11.2025

(V. P. Patkar)  
President,  
Industrial Court, Maharashtra, Mumbai

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment / order are same, word to word, as per the original judgment / order.

Name of the Stenographer : S. K. Nayak, Personal Assistant  
Court : President, Industrial Court, Maharashtra, Mumbai.  
Date : 24.11.2025  
Judgment/order signed by  
the Presiding Officer on : 24.11.2025  
Judgment / order uploaded on : 24.11.2025