

Exh. - _____

BEFORE SHRI S.B. PARATE, MEMBER,
INDUSTRIAL COURT, MUMBAI

COMPLAINT (ULP)No.190 of 2022.
(CNR No. MH1C01-001178-2022)

Kamgar Aghadi Union,
Hari Ganga Niwas, Brahmeshwar Lane,
Malwani Church, Malad(W),
Mumbai-400 095.

... Complainant.

Versus

1. M/s. Qness Corp-Terrier Security
& Integrated Services/Magna Infotech
Business Center in Mumbai, Maharashtra,
Qness Corp Limited, Ahura Centre,
B-Wing, 5th floor, Mahalaki Caves Road,
Andheri(E), Mumbai-400 093.
2. M/s. Terrier Security Services INDIA Pvt. Ltd.,
Lt. Col. Darshan Singh Bal, the Director,
No.583, 5th Main Road, Arabic College,
Post. Veerannapalya, Near Chaitanya
Techno School, Bangalore-560 045 ... Respondents.

ORDER(Below Exhibit U-8)
(28.11.2023)

01. This is an application for amendment in the Complaint filed under section 28 read with items 9 and 10 of Sch.IV of the MRTU & PULP Act, 1971(hereinafter, referred to as "***the said Act***"). The present Complaint is filed by the Complainant Union on behalf of 4 employees for unpaid salary, overtime allowance, bonus, notice-pay and retrenchment compensation, amounting to Rs.5,18,800/-.

02. The Respondents appeared and filed their Written Statement at Exhibit C-1.

03. It is contended by the Complainant that the Respondents in their Written Statement stated that the members of the Complainant Union, who were the employees of the Respondents were deputed/deployed at Tata Power Co. Ltd., situated at Mira Road DSS, Mira Road, Akruti. Therefore, the said party has to be added as Respondent No.3 by way of amendment. Hence, the application be allowed.

04. The Respondents opposed the application.

05. Heard Ld. Advocates for the parties. Now the following points arise for my determination, to which findings are given against them and the reasons for the findings are stated in the foregoing paras.

<u>POINTS</u>	<u>FINDINGS</u>
1) Whether the Complainant has made out a case for amendment in the present Complaint?	Yes.
2) What Order?	The Application is allowed.

REASONS

As to Point Nos.1 & 2:-

06. As stated by the Complainant and on perusal of the Written Statement, it is evident that for the first time the

name of Tata Power Company Limited was disclosed in the Written Statement of the Respondents. Hence, a new information was revealed and hence the prayer for adding Tata Power Company Limited as a Respondent can be said to be justified. Hence, I answer Point No.1 in ***affirmative*** and in answer to Point No.2, I pass the following Order:-

ORDER

- i) Application is allowed.*
- ii) Complainant to carry out the amendment till next date.*

Date:-28.11.2023.

*(S.B. PARATE)
Member,
Industrial Court, Mumbai*

Skn/-