BEFORE THE MEMBER INDUSTRIAL COURT, MAH., AT SANGLI

Complaint (ULP) No.26 Of 2019
(CNR No.MHIC100000442019)

Shri Sampat Shamrao Suryawanshi	..Applicant
V/s	
Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd., Sangli	..Opponent

Order Below Ex.C-25
(Date : 11th November 2024)

This application is filed seeking amendment in written statement / say filed by respondent. According to respondent present complaint was filed by the complainant claiming due wages, leave with wages, PF, gratuity, notice pay, closure compensation etc. to the employees of respondent No.1 though the complainant was not entitled for the same. According to respondent while filing written statement certain factual aspects have remained to be taken on record due to non-availability of documents and information, therefore, the same is required to be corrected. According to respondent the karkhana was taken in possession under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, by the financial institution and given in auction for running on lease basis. Most of the staff left services and some documents were not traceable which are now traced. Hence the amendment is required to be made. The said

amendment will not change the nature of dispute nor it will cause any prejudice to the complainant. Hence the respondent prayed to allow the application.

2. The complainant has resisted the application by filing say at **Ex.U-12** stating that this application is moved with ulterior motive of delaying the proceeding, harassing the complainant and to pressurise him to abandon his legitimate dues. Parties have concluded their respective evidence and adjournments were claimed by the respondent under the pretext of submitting additional evidence. However, thereafter this amendment application is filed without there being any new development in the matter. The proposed amendment will change the nature of dispute. Hence it is prayed to reject the application.

3. Heard both the parties. The respondent has submitted that amendment in the pleading is sought before conclusion of trial and it is well justified. Some pleadings were remained to be noted in written statement due to lacking of supportive record and the same record is recently found. Therefore, by adopting liberal approach amendment application be allowed.

4. The complainant however strongly opposed the amendment stating that evidence of both the parties is almost completed and there is no propriety in filing this application for amendment at the end of proceeding. Hence it is prayed to reject the application.

5. On perusal of pleadings in the application it appears that by filing this amendment application the respondent is seeking permission to add pleadings about financial constraint of the respondent karkhana. Such pleading can already be found in earlier written statement which is filed at Ex.C-20. It can be seen that the written statement has been filed by the respondent almost after three years from the date of filing complaint. Hence it can be seen that the respondent has taken its own time to file the written statement. It has to be also noted that complainant has filed his affidavit in lieu of examination-in-chief at Ex.U-11 on 11/08/2023. The respondent has recorded his cross-examination. Thereafter the matter was kept for evidence of respondent. However, instead of leading evidence the respondent has moved this application for amendment. Hence it can be seen that trial of the present proceeding has already commenced and is now pending for the evidence of respondent. The most of the pleadings have already been taken in the written statement by the respondent. The relevancy of record now filed by the respondent can be seen at final stage. Hence at the fag end of proceeding no prayer for amendment can be entertained. I therefore I found no substance in the application, hence it deserves to be rejected. Hence I pass following order.

Order

Application stands rejected.

PATIL DIGAMBAR
Digitally signed by PATIL DIGAMBAR
Date: 2024.11.15 15:51:20 +0530

Sangli. (D.M. Patil)
Member,
Date : 11th November 2024. Industrial Court Sangli

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