

**IN THE INDUSTRIAL COURT AT AURANGABAD**  
**(Presided over by S. S. MAUDEKAR, Member)**

**COMPLAINT (ULP) No. 98 of 2020**

Tatyrao Bapurao Fade.

... **COMPLAINANT**

**Versus**

[1]The Chairman,  
Shri Sant Eknath Sahakari Sakhar  
Karkhana Ltd., Eknath Nagar,  
Paithan, Tq-Paithan,  
Dist: Aurangabad & Ors.

... **RESPONDENTS**

**Appearance:**

Shri R.R. Imale ,the learned Advocate for the complainant.  
Shri S.V. Dankh, the learned Advocate for respondent Nos. 1 and  
2.  
Shri Prabhakaran, the learned Advocate for respondent No.3.

**ORDER BELOW EXH. C-8**

**[Passed on 20/01/2025]**

This is an application for dismissal of the complaint against respondent No.3 and to allow the respondent to withdraw the appearance from the proceedings.

2] According to respondent No.3, Sachin Ghayal Sugar Pvt. Ltd. is a company incorporated under the Companies Act 2013. It is claimed that it is not a party in the instant case but on going through the record, it is revealed that Shri Sant Ekanath Sachin Ghayal Sugar Pvt.Ltd. is opponent No.3 in the matter and

the company has no connection whatsoever with respondent No.3 and it cannot appear for respondent No.3. It is claimed that Shri Sant Eknath Sachin Ghayal Sugar Pvt. Ltd. is not in existence at all and even if it is in existence it has no relation with the factory or the society and Sachin Ghayal is not chairman of Shri Sant Eknath Sachin Ghayal Sugar Factory Ltd. There is no cause of action against respondent No.3 and no notice was issued against it personally. So, it is contended that in absence of any order passed against the said company, even if it is impleaded as a party, no prosecution can proceed against it and it is a case of non-joinder and it wrongly assumed itself as a party which is a mistake of fact. Hence, it is prayed to dismiss the complaint summarily and to allow the company to withdraw the appearance.

3] In the say of the complainant on the rear side of the application, it is submitted that the respondent is trying to protract the case with ill intention to digest liability of employees. The contentions are false and incorrect. The respondent No.3 is named in the said agreement as titled in the present case and it has signed the said agreement thereby accepted pre and post liabilities of the employees which were required to be paid within six months from commencement of crushing seasons. However, till ten crushing seasons, the liability is not discharged by respondent No.3. Accordingly, it is prayed to reject the application with compensatory costs.

4] Heard the learned counsel for the applicant Shri. Imale and the learned counsel for the respondent No.3 Shri.

Prabhakaran. Perused the record. The documents filed by respondent No.3 are as per list Exh.C-20 in Complaint ULP No.424/2015, wherein a purshish has been filed at Exh.C-18 that those documents may be read in other connected matters. The present complaint was filed by the original complainant who is dead and he is represented by his legal representative for claiming monetary benefits. Respondents have not yet filed the written statement.

5] The record shows that some miscellaneous applications came to be filed by the respondents. Even respondent Nos. 1 and 2 had filed application for dismissal of the complaint with cost of Rs.50,000/- which has been rejected.

6] The main contention of the respondent seems to be that there is no proper description of the party respondent No.3 and it is claimed that there is no such entity as Shri Santh Eknath Sachin Ghayal Sugar Pvt. Ltd. It seems that prior to filing of the complaint also, notice was issued to respondent No.3 and in notice reply also it was claimed that the name was not true and correct and a reference was made of a collaboration agreement. There is no written statement on record filed by the respondent No.3. So, in absence of any pleadings and for want of cross-examination on that point, the said aspect cannot be said to have been established at this juncture.

7] In collaboration agreement, as per clause (13) it was decided by the said Shri Sant Eknath Sugar

Factory through Chairman one Shri. Sandipan Bhumare and Incharge Managing Director Bhimrao Doke and it was agreed by Sachin Ghayal Pvt. Limited that the parties had agreed to name the collaboration as Shri Sant Eknath Sachin Ghayal Sugar Pvt. Ltd. Now it seems that Sachin Ghayal Sugar Pvt. Ltd is not ready to continue its business of running the sugar factory by that name and description. But all those aspects including whether or not Sachin Ghayal Sugar Factory Pvt. Ltd had agreed to continue the business of running the Sugar factory as per the entity named in clause (13) which was binding and whether it will lead to mis-joinder or non-joinder of necessary parties are mixed questions of facts and law and it would be improper to summarily dismiss the complaint by holding that there was mis-description of parties, especially respondent No.3 or that Sachin Ghayal is not the chairman of Shri Sant Eknath Sachin Ghayal Sugar Pvt. Limited.

8] Even the learned counsel for the complainants has submitted that in several connected matters, the said Sachin Ghayal had filed appearance / Vakilpatra mentioning itself as Shri Sant Eknath Sachin Ghayal Sugar Pvt. Ltd. So, it is all question of appreciation and even the respondent can establish its claim by adducing relevant documentary and oral evidence. Hence, it would not be proper to hold at this juncture that the complaint is not maintainable or that it is liable to be dismissed against respondent No.3 or that respondent No.3 is unconnected with the dispute, as in collaboration agreement, its rights and liabilities have been mentioned . Therefore, permission cannot also

be granted to it to withdraw from the proceedings. At the most, respondent No.3 can take appropriate steps and considering the fact that the case is almost 5 years old, it would be better to direct the parties to expedite it. Hence, I pass the following Order:

**ORDER**

[1]	The application is rejected .
[2]	Costs in cause.
[3]	Matter is expedited.

**Place:-Aurangabad.**

**Sd/-**

**Date – 20-01--2025**

**(S.S. Maudekar)**

**Member,**

**Industrial Court, Aurangabad**

kad/-