

IN THE INDUSTRIAL COURT AT AURANGABAD

Complaint (ULP) NO. 98 OF 2020

[CNR NO.MHIC20-00-240-2020]

Tatyrao s/o Bapurao Fade ... COMPLAINANT

Versus

[1] The Chairman, Shri Sant Eknath Sahakari Sakhar Karkhana Ltd. & Ors. ... RESPONDENTS

ORDER BELOW EXH. C-13

[Passed on 5th day of August, 2025]

1] The Respondent No.2 has filed application at Exh. C-13 submitting that, matter is posted for argument however respondent No.2 is filing application to set aside exparte order dt.18-03-2021. It is submitted that necessary documents from the respondents for preparing written statement was awaited. Hence, respondents could not appeared within time therefore exparte order is passed against respondents. Respondent's financial condition some time was lapsed. Therefore due to above mentioned reasons respondent could not appeared and could not filed written statement within time. Hence, respondent be permitted to file written statement. The respondent is not intentionally and deliberately prolong the matter. However, to protect legal rights of respondent present application is required to be allowed and permission may be granted to file written statement on record and no loss would be caused to the complainant. Otherwise, respondent will suffer heavy loss and it will not be compensated in terms of money. Accordingly prayed to set aside exparte order dt.18-03-2021.

2] The applicant has given say at Exh.U-9 and strongly opposed the application submitting that, the application is barred by

Regulation 118 of the Industrial Court Regulations. The order of exparte is passed on 18-03-2021. The application is not signed by respondent nor it is verified and no separate affidavit is filed with this application. The application is filed with malafide intention. The respondent and its advocate were aware about the order but they have intentionally not filed the application till the fag end of the case. This is modus operandi of respondent to file such applications with malafide intention to kneel down the otherside for succumbing their unfair demand. The complainant is legally entitled to get monetary benefits and he is old aged having been retired from service prior to 10- 12 years. The respondent who has filed this application is neither a party to the proceeding nor he is agent to the party. No authorized person is sitting on the post of this respondent. Neither the said application signed by chairman or Managing Director of the Sugar Factory nor the person who has signed it is authorized by the chairman or Managing Director. The conduct of respondent shows that, with malafide intention to deter his employees, it is filing such frivolous and vague applications under the garb of various titles. If the said application is allowed serious prejudice would cause to the complainant who is more than 70 years old and eagerly waiting for relief by lawful remedy.

3] After going through the entire proceeding it is observed that admittedly the complainant has filed present complaint and alleged unfair labour practice under Item 9 of Schedule IV of the MRTU & PULP Act, 1971. Thereby it is prayed to give direction to the respondents to pay an amount of Rs.17,04,953/- along with interest. Further it is observed that my learned Predecessor vide order dt.21-10-2020 issued notice to the respondents. The respondents refused the

envelops of notices at Exh.O-2 to O-4. Therefore, Court has passed order on dt. 18-03-2021 and proceeded exparte against respondents. Complainant has filed his affidavit in lieu of evidence at Exh. U-6 on 24-06-2021. Record shows that, on behalf of respondent No.1 & 2 advocate Shri. Dankh has filed Vakilpatra at Exh.C-9. Thereafter he filed application at Exh.C-10 praying for dismissal of the complaint. Application at Exh.C-10 is rejected by Court on dated 19-12-2024. Thereafter, he filed present application on dated 04-03-2025.

4] As per Regulations, the respondent was expected to file written statement within one month or within further 60 days with a leave of this Court but failed to file. Already the Court has passed exparte order on dated 18-03-2021. But said application is filed in the year 2025. It is the strong opinion of the Court that respondents are responsible to prolong the matter. Matter is old and complainant is struggling for near about 5 years. To the other end, to know the stand of the respondents it may be proper to give an opportunity to putforth their case. Otherwise respondents would cause irreparable loss. Though the Court has come to the conclusion that, opportunity is required to be granted but said application is not filed by concerned parties supporting affidavit. Therefore, application itself is not maintainable as the application is not signed by parties or not filed any affidavit. Hence, I proceed to pass following order :

ORDER

- | | |
|----|--|
| 1. | Application at Exh. C-13 is hereby rejected. |
|----|--|

Place:-Aurangabad.

Date 05-08-2025

kad/-

**(S. D. Suryawanshi)
Member,
Industrial Court, Aurangabad**