

IN THE INDUSTRIAL COURT AT AURANGABAD**COMPLAINT (ULP) No. 178 OF 2017
MHIC-20000738-2016****Bhimrao Dadarao Doke****.....COMPLAINANT****Vs****[1]The Chairman,
Shri Sant Eknath Sahakari Sakhar Karkhana Ltd.
& Ors.****.....RESPONDENTS****ORDER BELOW EXH.C-12****(Delivered on this 26th day of September, 2025)**

1] The Respondent No.1 & 2 have filed present application and prayed to set aside exparte order dt.04-12-2018. It is submitted, respondent appeared in the matter but due to requirement of necessary documents from respondents to prepare draft of written statement it has not filed written statement within time. Therefore, Court has passed exparte order against respondents. Respondents are not prolonging the matter intentionally or deliberately but due to above reasons respondents could not file written statement within time. If the said application is not allowed respondents will suffer irreparable loss. Finally prayed to set aside exparte order and permit the respondents to file their written statement.

2] The Ld.Advocate for complainant has given say at Exh U-11 and objected the application stating that, this application is barred by Regulation 106 of the Regulations of the Industrial Court Regulations, 1975. Further, this application neither signed by

respondents nor it is verified and no separate affidavit is filed this application. This application is filed with malafide intention. Now, this case is at the fag end. This is modus operandi of the respondents to file such application with malafide intention to kneel down the complainant for succumbing their unfair demand. The complainant is legally entitled to get monetary benefits. He is old aged having retired from service prior to 10 to 12 years. Though the respondents are bound to pay monetary benefits he is indulged in prolonging the court cases. Therefore, it is just and proper to reject the application. If application is allowed it will cause great hardship and injustice on the complainant.

3] After going through the proceeding it appears that, the complainant has filed 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 outstanding dues along with interest. The notice of present proceeding was issued to the respondents and in pursuance of notices respondents appeared in the matter. However, respondents failed to file written statement, therefore vide order dt.04-12-2018 proceeded without written statement against them. Thereafter respondent appeared through their Learned Advocate and filed application at Exh.C-10 and my ld. Predecessor rejected the said application vide order dt.10/01/2025. Thereafter on 04-03-2025 the respondent No.1 & 2 have filed present application and sought the order set aside.

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 04/12/2018. But said application is filed in the year 2025. It is a strong opinion of the Court that respondents are responsible to prolong the matter. Matter is old and applicant is struggling for more than 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-12 is hereby rejected. |
|----|--|

Place:-Aurangabad.

Date 26-09-2025

kad/-

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