

IN THE INDUSTRIAL COURT AT AURANGABAD
(Presided over by S. S. MAUDEKAR, Member)
Complaint (ULP) NO. 40 OF 2018
[CNR NO.MHIC20-00-1101-2016]

Dadarao Sitaram Tangde

... **COMPLAINANT**

Versus

M/s. Siddheshwar Sahakari
Sakhar Karkhana Maryadit,
Maniknagar, Sillod,
Tq-Sillod, Dist: Aurangabad.
Through its Managing Director/Manager.

... **RESPONDENT**

Appearance:

1. Shri R.B. Gade ,the learned Advocate for the complainant.
2. Shri A. B. Katkar, the learned Advocate for the respondent.

ORDER BELOW EXH. C-3
[Passed on 4th day of March, 2025]

This is an application for setting aside exparte order passed below Exh.U-1.

2] According to the respondent, the Karkhana was closed down in the year 2016 and thereafter during COVID , the notices / summons were served to the respondent. However, there was no proper person who could communicate the instruct the advocate to take steps, the matter went exparte against the respondent. The figures of amount mentioned by the applicant cannot be believed . Hence,the respondent want to file its reply on record to assist the Court to reach at appropriate conclusion. Therefore, it is prayed to permit the respondent to file the say on record in the interest of justice.

2] The complainant has filed say at Exh.U-7. The application is opposed by claiming that the application is false, misconceived and not sustainable in the eyes of law. The respondent has not stated sufficient reasons in the application. The respondent has filed Vakildpatra at Exh.C-2 on 28-06-2018 and was aware about the day to day proceeding and its status. However, due to its own negligence despite of several opportunities it failed to file say. The respondent was interested in prolonging the matter. If the application is not rejected, the respondent will be setting a precedent for other wrong doers like him, who will seek to mold the law and the system to their wish. If liberal approach is shown, it will result misuse of judicial system. The respondent failed to file the say even after providing more than 6 years. The respondent has not filed affidavit in support of the application. Hence, it is prayed to reject the application with cost.

3] Heard the learned counsel for the respective parties. Perused the record. The complainant has filed the present complaint under Item 9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971. The complainant claimed unpaid retirement benefits and wages to the tune of Rs.5,50,000/-from the respondent. After receipt of notice, the respondent appeared on 28-06-2018 and filed Vakildpatra at Exh.C-1 along with adjournment application. However, it did not file written statement. Hence, on 14-02-2019 "No W.S. order" was passed below Exh.U-1 by my learned Predecessor. The reason cited by the respondents that due to closure of the Karkhana in the year 2016 and COVID period, there was no one to communicate the advocate about the proceedings. From the perusal of the record, it appears that the Some complicated questions of facts and law are involved in the matter. So, merely because

the present respondents have caused delay in filing written statement , it cannot be said that , they cannot be permitted to put its defence subsequently. The delay may not be intentional or deliberate. So also, record reveals that the matter was fixed for evidence of the complainant since long, but no evidence is yet recorded. So also, the respondent has submitted its written statement along with this application. Therefore, the respondent can be granted a chance to file written statement or reply. thus the ground raised by the respondents for setting aside the exparte order, is justifiable and genuine. So also written statement is annexed to the application filed by the respondent no.1 on record. Therefore, one more chance can be given to the respondent so that the matter can be decided on merit. Hence, I pass the following order :-

ORDER

1.	The application is allowed .
2.	Order dated 14-02-2019 passed below Exh.U-1 is hereby set aside.
3.	The written statement / say of the respondent no.1 be taken on record.

Place: Aurangabad.
Date 04-03 -2025

Sd/-
(S.S. Maudekar)
Member,
Industrial Court, Aurangabad

kad/-