

EXH. O-

**BEFORE SMT. DHANASHREE G. MORE, CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT AND JUDGE,
FIRST LABOUR COURT, THANE.**

APPLICATION (PGA) NO. 31 OF 2021

CNR NO : MHLC040004212021

Mr. Grijesh Ramaavadh Gupta

...Applicant

Versus

M/s. Shailesh Velvel Industries & Anr.

...Opponents

ORDER BELOW EXH. C-4

(Passed on 02/06/2023)

1. This is an application filed by the Opponent Company to set aside the 'no written statement order' passed against them by this Court below Exh.U-1 on dated 06/05/2022.

2. It is submitted that due to outbreak of Covid-19, Learned Advocate could not contact with Opponents and due to this reason, for filing written statement, no proper instructions and necessary documents were received from Opponents and therefore, written statement has not been filed within the prescribed period before this Court. It is further submitted that by setting aside said 'no written statement order', no prejudice or harm would be caused to other side, hence, this application be allowed.

3. The Applicant has raised his strong objection to this application stating that this Court has given an ample opportunities to the Opponent Company to file their written statement before this Court. Despite of this, the Opponent

Company failed to do so. Hence, the present application be rejected with heavy costs.

4. Perused the application and say endorsed thereon. The reasons narrated by Opponent Company for non-filing of their written statement on record seems to be reasonable and justifiable. Therefore, in the interest of justice, an opportunity should be given to the Opponent Company for filing its written statement on record. By allowing this application, no prejudice or loss would be caused to the Applicant. While if it is rejected, a great injury or harm will be caused to the Opponent Company. For deciding the matter on merits, the present application is required to be allowed subject to costs of Rs.1,000/- payable to Applicant . Hence, I proceed to pass the following order.

ORDER

- (1) The present application is hereby allowed subject to costs of Rs.1,000/-.
- (2) The 'no written statement order' dated 06/05/2022 is hereby set aside and a copy of written statement filed by Opponent Company be taken on record accordingly.

Place : Thane.

Date : 02/06/2023

Rry/- 02.6.

(Smt. Dhanashree G. More)
Controlling Authority under the
Payment of Gratuity Act & Judge,
First Labour Court,Thane.