

BEFORE SHRI. M. T. THAWARE, JUDGE
TENTH LABOUR COURT, MUMBAI.

COMPLAINT(ULP)NO. 47 OF 2026

CNR NO : MHLCO1-000316-2026

Ms. Komal Pal

...Complainant

V/s.

Origem Company

...Respondent

ORDER BELOW EXH.C-3

(Passed on 15/07/2026)

This is an application filed by answering respondent Goldiam International Ltd. its employees Ms. Sritama Bhattacharya and Mr. Mohit Shekatkar for dismissal/ deletion of wrongly joined party from the proceeding.

2. It is contention of applicant answering respondent i.e. Goldiam International Ltd. wrongly described in complaint i.e. Origem that complaint has been filed as per MRTU and PULP Act. Complainant has filed this complaint against Origem as respondent though Origem is merely a trade/brand name and is neither a company incorporated under the Companies Act nor a corporation, partnership firm, proprietorship concern, juristic person or any legal entity capable of suing or being sued. The complainant has erroneously described Ms. Sritama Bhattacharya and Mr. Mohit Shekatkar who are in fact employees of answering respondent Goldiam International Ltd., as employees of non-entity Origem.

3. It is their further contention that complainant nowhere

set out complete legal identity of the alleged employer. In the absence of the actual employer being impleaded no effective relief can be granted against a mere brand name lacking juristic personality. The answering respondent states that complainant intended to proceed against Goldiam International Ltd then it was incumbent upon the part of complainant to implead the said legal entity in its correct name. The documents relied and annexed by the complainant is specifically states the identity of employer Goldiam International Ltd. In the absence of correct party being implead this complaint against Origem and officer of answering respondent is not maintainable and liable to be dismissed. They have lastly prayed to dismiss the complaint against Ms. Sritama Bhattacharya and Mr. Mohit Shekatkar as they are officers of Goldiam International Ltd.

4. On the other hand, complainant has filed his say at Exh. U-8 and opposed the application stating that, the opponent is now attempting to take undue advantage of a mere technical objection relating to nomenclature and description of parties despite full disclosure already having been made in the complaint. Complainant states that throughout her entire tenure of employment, she was employed, managed, supervised, communicated and made the function under the name and identity of Origem. Lastly, complainant has prayed to reject the application and in the alternative has prayed for amendment/clarification of the description of parties without dismissing the complaint.

5. Heard Adv. Sachin Pathak for answering respondent

Goldiam International Ltd. and Adv. Sayali Turde for complainant.
Perused record.

6. On perusal of record i.e. documents i.e. appointment letter, termination letter which clearly reveals that, the answering respondent i.e. Goldiam International Ltd has issued appointment letter to the complainant to work as a Fashion Consultant in the Retail Department w.e.f. 14/10/2024. Further the termination letter dtd. 16/02/2026 has been also issued to the complainant by the answering respondent i.e. Goldiam International Ltd (Origem). Therefore, from these documents filed by the complainant itself it reveals that Origem company is not the employer of complainant. Therefore, in view of this aforesaid observation, the application is liable to be disposed off with directions to the complainant to file necessary amendment application. Accordingly, I pass following order.

ORDER

Application is disposed off with directions to the complainant to file necessary amendment application.

(M.T. Thaware)
Judge,

Tenth Labour Court, Mumbai.

Date : 15/07/2026
SSA