

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10553 OF 2025

Alfa Laval India Pvt. Ltd.  
through Shrenik P. Jain ... Petitioner  
Versus  
M/s. Rashtriya Shramik Aghadi ... Respondent

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Mr. Kiran Bapat, Senior Advocate, i/by Mr. Nitin Khare a/w  
Mr. Akhil Kupade for the Petitioner.  
Ms. Gargi Warunjikar a/w Ms. Sakshi Inamdar for Respondent.

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CORAM : MANISH PITALE, J.  
DATE : 21<sup>st</sup> NOVEMBER 2025

P.C. :

1. Heard learned senior counsel appearing for the petitioner.
2. By this petition, the petitioner has challenged order dated 16<sup>th</sup> December 2024 passed by the Industrial Court at Pune, in a Reference proceeding, wherein the respondent-union is claiming a declaration that the workers are employees of the petitioner-company.
3. By the impugned order, the Industrial Court has allowed an application at exhibit U-365, permitting the respondent to lead evidence and to prove documents mentioned in the said application at exhibit U-365.
4. By placing reliance on judgments of the Supreme Court in the cases of *K. K. Velusamy v/s. N. Palanisamy, (2011) 11 SCC*

*275, Bagai Construction v/s. Gupta Building Material Store, (2013) 14 SCC 1* and *Ram Rati v/s. Mange Ram (dead) through Legal Representatives & Ors., (2016) 11 SCC 296*, the learned senior counsel for the petitioner submits that the impugned order is wholly unsustainable. The respondent cannot be permitted to cover up its negligence and to also fill in lacunae in its evidence by the aforesaid tactic of moving application for permission to lead evidence in respect of documents that could have been appropriately dealt with in the proceedings earlier. It is emphasized that the said documents were on record and the Reference has been pending since the year 2013.

5. It is further specifically urged that under the garb of leading evidence with the specific documents at exhibits U-8, U-12 and U-13, the respondent has now placed a plethora of documents before the Industrial Court and the said Court is compounding the error by permitting such documents to be marked in evidence.

6. The learned counsel for the respondent submits that, as a matter of fact, further documents have also been marked by the Industrial Court and that the petitioner ought to challenge the subsequent orders/events also.

7. Having heard the learned senior counsel for the petitioner and the learned counsel for the respondent, this Court finds *prima facie* substance in the contention raised on behalf of the petitioner. It is clear that even if the impugned order is to be upheld, there is no question of the respondent being permitted to place further

documents on record beyond exhibit U-8, U-12 and U-13 and the Industrial Court proceeding to mark such documents in evidence.

8. The learned counsel appearing for the respondent seeks short adjournment to make detailed submissions for the respondent and to take instructions as to whether the respondent would restrict the benefit of the impugned order dated 16<sup>th</sup> December 2024, only to the documents at exhibits U-8, U-12 and U-13.

9. At this stage, this Court is informed that next date of hearing before the Industrial Court is 27<sup>th</sup> November 2025. The learned senior counsel for the petitioner submits that there is a likelihood of the Industrial Court proceeding to close the right of the petitioner to cross-examine the witnesses of the respondent, thereby causing grave prejudice.

10. Hence, at the request of the learned counsel for the respondent, list on 27<sup>th</sup> November 2025 (High on Board).

11. The Industrial Court is directed to defer the proceedings on 27<sup>th</sup> November 2025 to a future date.

**MANISH PITALE, J.**