

HARSHADA H. SAWANT  
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12136 OF 2025

M/s. TSC Instruments Pvt. Ltd. and Anr. .. Petitioners

**Versus**

Suresh Bhikaji Pandit .. Respondent

- .....
- Ms. Kiran Yadav, Advocate i/by Pritesh Burad Associates for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 09, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 09.12.2025. Perused the praecipe.
2. Heard Ms. Yadav, learned Advocate for Respondent.
3. In this Writ Petition on 06.10.2025, the following order was passed:-

*"1. Heard Mr. Venunath, learned Advocate for Petitioners and Mr. Burad, learned Advocate for Respondent.*

*2. Since the entire amount as stated in the impugned judgment of the Industrial Court has been deposited by Petitioner – Company with the Industrial Court on 12.09.2024, no coercive steps shall be taken against Petitioner – Company in execution proceeding or otherwise in furtherance of the impugned order.*

*3. In case if any Application is made for withdrawal of the said amount from the Industrial Court, the Court shall give notice to Petitioner – Company and hear its objections and only thereafter pass a reasoned speaking order.*

*4. It is clarified that, present Writ Petition shall be disposed at the stage of admission itself. Reply, if any, be filed by Respondent before the next date.*

*5. Stand over to 18<sup>th</sup> November 2025."*

**4.** Today Ms. Yadav, learned Advocate for Respondent mentions the matter citing exigency as well as urgency.

**5.** Ms. Yadav would submit that in view of the above order and as per the directions contained in paragraph No.3 thereof, an Application seeking withdrawal of amount is made before the learned Industrial Court but her instructions are that notice has been issued in the said Application and learned Industrial Court has orally informed that it shall await for outcome of the present Writ Petition.

**6.** I am of the opinion that the direction which is contained in paragraph No.3 is explicitly clear. There is no embargo upon the learned Industrial Court to await for outcome of the decision. Learned Industrial Court is directed to hear the Petitioner - Company and its objection and thereafter pass a reasoned speaking order.

**7.** Ms. Yadav informs the Court that pursuant to issuance of notice when the Interim Application was attempted to be served on the Petitioner No.1 – Company, it was realised that Petitioner No.1 – Company has vacated the address which is stated in the cause-title of the proceeding and has shifted elsewhere. In that view of the matter, Respondent was unable to even serve copy of Interim Application seeking withdrawal on the Petitioner No.1. The subject amount in question is Provident Fund amount and it is approximately Rs.3,00,000/- as informed by Ms. Yadav.

8. Considering the aforesaid facts and ignominy that is suffered by litigants to attend Courts, I am inclined to list the present Writ Petition for hearing and final disposal on the next adjourned date.
9. Copy of this order shall be served on Advocate for Petitioners appearing before this Court.
10. Petitioners and their Advocates are directed to remain present on the next adjourned date.
11. Stand over to **16<sup>th</sup> December, 2025**. To be listed under the caption '**First on Board**'.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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