

R.M. AMBERKAR  
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O.O.C.J.

WRIT PETITION NO. 2215 OF 2010  
WITH  
CHAMBER SUMMONS NO. 15 OF 2016

Pravin G. Mhashilkar & Ors. .. Petitioners  
**Versus**  
Vazir Glass Works Ltd & Ors. .. Respondents

- .....
- Mr. Arshad Shaikh, Senior Advocate a/w Mr. Netaji Gawade, Mr. Nayan Bhalekar i/by M/s. Sanjay Udeshi & Co for Petitioners
  - Mr. Rahul Nerlekar for Respondent Nos. 1 to 5
  - Mr. Burhan Bukhari for Respondent No. 6
- .....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 07, 2023

**P.C.:**

**1.** Heard Mr. Shaikh, learned Senior Advocate for Petitioners; Mr. Nerlekar for Respondent Nos. 1 to 5 and Mr. Bukhari, learned Advocate for Respondent No. 6.

**2.** Mr. Burhan Bukhari, learned Advocate has appeared for Respondent No. 6 – M/s. Neutral Glass & Allied Inds. Pvt Ltd. It is the contention of the Petitioners that Respondent No. 6 has stepped into the shoes of original Respondent No. 1 Company i.e. employer namely Vazir Glass Works Ltd.

**3.** Though both the learned Advocates have argued that there is a distinction in respect of considering whether there is functional intergrality between the two companies, that would be the issue to be

decided by the Court on merits. For the present, Mr. Burhan Bukhari, learned Advocate appearing for Respondent No. 6 would submit that he is not receiving any instructions from Respondent No. 6 and therefore he would like to seek discharge. The Advocate representing Respondent No.6 is granted leave to take out appropriate proceedings for seeking discharge in the Registry.

**4.** Respondent Nos. 1 to 5 are represented by Mr. Nerlekar, learned Advocate.

**5.** Mr. Shaikh has expressed exigency and urgency in view of the facts in the present case as also because of the timeline involved. In that view of the matter, it is directed that this Writ Petition shall be heard finally on the next adjourned date i.e. 09.01.2024.

**6.** Parties are granted leave to file additional affidavits in respect of subsequent events and exchange the same between themselves before the next date.

**7.** Mr. Shaikh points out that Respondent No. 6 has an office in Andheri, Mumbai. In that view of the matter, Petitioners are directed to serve a copy of this order on Respondent No. 6.

**8.** In view of what is noted above, Respondent No. 6 is directed by this Court to appoint an Advocate and ensure its presence through Advocate or authorized representative on the next adjourned date.

**9.** Stand over to **9<sup>th</sup> January, 2024.**