

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 138 OF 2017**

Rashtriya Mill Mazdoor Sang

..Petitioner

Vs.

Union of India & Ors

..Respondents

Mr. Aspi Chinoy, Senior Advocate a/w Mr. Ashish Kamath and Mr. Amir Arsiwala I/b Mr. Nikhil Mengade for the Petitioner

Ms J. N. Pandhi for the Respondent No.1

Mr.E. P. Bharucha Senior Advocate a/w Ms. Meena Doshi and Mr. Shrey Phaterphekar for the Respondent No.2

Ms Debashree Mandpe I/b Ganesh & Co. for the Respondent No.3

Dr. Birendra Saraf, Mr. Assem Nafade, Ms Madhu Gadodia and Mr. Nitesh Agarwal I/b Naik Naik and Company for the Respondent Nos.5 and 6

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 11th OCTOBER, 2018**

P.C.

1 The only grievance of the Petitioner in the above Petition is that the scheme of modernization /revival of the 4 mills in question i.e. (1) India United Mill NO.1, Mumbai, (2) New City Manufacturing Limited, Mumbai, (3) Gold Mohur Mills Mumbai and (4) Apollo Textile Mills, Mumbai, has not taken of though a period of almost 11 years is over. The Respondent No.2 herein i.e. NTC has entered into Joint Venture Agreements with the Respondent Nos.3 to

6 for modernization / revival of the said mills. During the pendency of the above Petition show cause notices have been issued to the Respondent Nos.3 to 6 on the ground of there being serious draw backs and failure on the part of the said Respondents in the matter of implementing the revival scheme. It seems that the Respondent No.3 has already filed their response to the show cause notice issued to them on 5-9-2018.

2 The Learned Senior Counsel for the Respondent No.2 Mr. E. P. Bharucha would submit that it would be for the Board of the Respondent No.2 to take an appropriate decision on the show cause notices issued to the Respondent Nos.3 to 6 and that may take some time. Upon this the Learned Senior Counsel appearing on behalf of the Petitioner Mr. Chinoy would submit that a response from the Respondent No.2 would be required which would be de-hors the show cause notices issued to the Respondent Nos.3 to 6 as what it proposes to do in the matter of modernization / revival of the said 4 mills.

4 In our view, the said submission required to be addressed by the Respondent No.2-NTC. However, since the show cause notices have been issued to the Respondent Nos.3 to 6, we defer the hearing of the above Writ Petition No.138 of 2017, so as to enable the Respondent No.2-NTC to take a decision on the show cause notices. However, after the show cause notices are decided one way or the other we expect the Respondent No.2 to file an

affidavit as regards what it proposes to do in respect of modernization/ revival of 4 mills either with or without the Respondent Nos.3 to 6. Adjourned to 13-12-2018.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]