

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3936/2006

(From the judgement and order dated 27/01/2006 in WP No. 1563/2005 of The
HIGH COURT OF BOMBAY)

PHILIPS INDIA LTD.

Petitioner(s)

VERSUS

P.N. THORAT & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and

office report))

WITH SLP(C) NO. 4296 of 2006(With prayer for interim relief and office report)

Date: 06/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Mukul Rohatgi, sr. Adv.

Mr. Jay Savla, Adv.

Ms. Reena Bagga, Adv.

Respondent(s)

Mr. Jamshed C. Cama, Sr. Adv.

Mr. Arshad Shaikh, Adv.

Mr. Hiren Dasatry, Adv.

Mrs Sarla Chandra, Adv.

Mr. L. Nageswara Rao, Sr. Adv.

Mr. Vinay Narare, Adv.

Mr. Naresh Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The petitioner herein has filed an application before the High Court questioning the

validity and/or otherwise of a reference made by the State of Maharashtra in exercise of power under

Section 10(1)(c) of the Industrial Disputes Act, 1947. The High Court has refused to entertain the writ

petition at this stage. We agree with the view of the High Court. A three-Judge Bench of this Court in

Management of Express Newspaper (Pvt) Ltd. Madras Vs. The Workers and Ors
.- AIR 1963 SC 569

clearly opined that a

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question of jurisdiction can be raised before the Tribunal itself as a preliminary issue and the High

Court may entertain the writ application only after the determination thereof.

In this view of the matter, we are of the opinion that interest of justice would be subserved if

the petitioner is granted liberty, in modification of order passed by the High Court, to raise a

preliminary issue before the Tribunal. The Tribunal is directed to dispose of the said preliminary issue

as expeditiously as possible.

With the aforementioned observations, the special leave petitions are dismissed.

(Meenu Sethi)
Bhardwaj)

(Pushap Lata

