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IMPLEMENTING COURT ORDERS

The Bombay High Court (**HC**) on March 23, 2025 in the *Arun Firodiya* case,¹ opined that persons in positions of control and supervision over an industrial establishment's affairs are obligated to implement court orders even pending their appeal.

Brief Facts

Ramrao Hanumantrao Kandekar (**Kandekar**), an employee of Kinetic Engineering Limited (**KEL**), was dismissed from service in 1998 following a domestic inquiry. Aggrieved by his dismissal, Kandekar complained before the Labour Court, Ahmednagar (**LC**).

In 2019, LC ruled in favour of Kandekar, declaring the dismissal as 'unfair labour practice' under various items of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (**MRTU-PULP Act**). It set aside the dismissal order and directed Kandekar to be taken back in service with full back wages and consequential benefits until his superannuation.

KEL challenged the order by filing a Revision Petition before the Industrial Court (**IC**), which was dismissed in 2021. Subsequently, it filed a Writ Petition before the HC, which declined granting interim stay of the IC order.

Despite the LC and IC orders in Kandekar's favour and the absence of a stay order from the HC, KEL did not implement the LC order.

Consequently, he filed a criminal complaint under Section 48(1) of the MRTU-PULP Act against the management, including one Arun Hastimal Firodiya (**Firodiya**), the chairman of KEL.

LC issued process against Firodiya, and this order was upheld by the IC in a Revision Petition filed by Firodiya. The present Criminal Writ Petition (**CWP**) was filed by him, challenging the IC order.

Parties' Contentions

Firodiya contended that he, being the chairman, was not directly responsible for the day-to-day affairs, and the managing director, as the occupier under the Factories Act, 1948, should be held responsible. Additionally, pendency of the CWP, challenging the underlying LC order, was ground for quashing the issuance of process.

Kandekar argued that the LC and IC orders were in full effect as no stay was granted by the HC. He emphasized that Firodiya, as the chairman of KEL, was responsible for its affairs and had failed to comply with the binding judgements despite being aware of them.

¹ *Arun Hastimal Firodia v. The State of Maharashtra and Another*, 2025 LiveLaw (Bom) 137.

HC's Judgement & Reasoning

The HC dismissed the petition² and observed that:

- Despite the pendency of the CWP, the LC and IC orders remained operative as no stay was granted.³
- Firodiya, as the Chairman of KEL, is responsible for the day-to-day affairs and had not denied knowledge of the judgements.⁴
- Firodiya had not presented any evidence of making efforts to comply with the LC order.⁵

Based on the above observations, it held that the LC was justified in issuing the process under Section 48(1) of the MRTU-PULP Act, a decision upheld by the IC.⁶ It found no reason to interfere with these concurrent finding.

Comment

The dismissal of the CWP makes clear that the management officials must responsibly implement lower court order that is not stayed. They may not succeed in avoiding responsibility by citing their roles in the organization.

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² Paragraph 22 of the Judgement.

³ Paragraphs 16 and 17 of the Judgement.

⁴ Paragraph 18 of the Judgement.

⁵ Paragraph 21 of the Judgement.

⁶ *Ibid.*