ITEM NO.16   Virtual Court 3   SECTION IX

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 (C) No(s).7456-7457/2020

(Arising out of impugned final judgment and order dated 25-02-2020 in WP No. 10345/2019 and 23-04-2020 in AN No. CL/IDA/25(M)/CASE NO.01/2020 passed by the)

EUROTEX INDUSTRIES AND EXPORTS LIMITED
    Petitioner(s)

                              VERSUS

ADDITIONAL COMMISSIONER OF LABOUR CUM
SPECIFIED AUTHORITY & ORS.
    Respondent(s)

(WITH I.R. and IA No.53903/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.53904/2020-EXEMPTION FROM FILING O.T. and IA No.53905/2020-IMPLEADMENT)

Date : 17-06-2020 These petitions were called on for hearing today.

CORAM :
        HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
        HON'BLE MR. JUSTICE HEMANT GUPTA
        HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)   Mr. J.P. Cama, Sr. Adv.
                    Mr. Rituraj Biswas, AOR
                    Mr. Avinash Jalisatgi, Adv.
                    Mr. Mayan Prasad, Adv.
                    Ms. Sujaya Bardhan, Adv.

For Respondent(s)

        UPON hearing the counsel the Court made the following
                          O R D E R

1   Application for impleadment of Commissioner of Labour as the

      first respondent is allowed.

2   Mr J P Cama, learned senior counsel appearing on behalf of the
petitioner, submits that the order passed by the Deputy
Commissioner of Labour has been held by the High Court as *void
ab initio*.   Mr Cama submits that, following the principal
which has been laid down by this Court in **Ariane Orgachem (P)
Ltd** v **Wyeth Employees Union**[1], if the order was *void ab initio,*
necessary consequences under the law would ensue and the High
Court was not justified in issuing a direction authorising the
Commissioner to re-decide the matter afresh. Hence, it has
been submitted that if the direction of the High Court would
stand vitiated, the consequential order of the Commissioner
would not be lawful.

3   Issue notice, returnable in eight weeks.

4   Till the next date of listing, no coercive steps shall be
taken against the petitioner.

    (SANJAY KUMAR-I)   **(SAROJ KUMARI GAUR)**
       AR-CUM-PS   **COURT MASTER**

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1   (2015) 7 SCC 561