

ITEM NO.48

COURT NO.15

SECTION XI-A

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). 14156/2021

(Arising out of impugned final judgment and order dated 22-07-2021 in WPC No. 25028/2011 passed by the High Court Of Orissa At Cuttack)

M/S SHREE GOPAL KRISHNA GOSALA, CUTTACK

Petitioner(s)

VERSUS

ASHOK KUMAR BEHERA

Respondent(s)

Date : 17-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Parthiv Goswami, Sr. Adv.
Mr. Anirudh Sanganeria, AOR
Mr. Parikshit Angadi, Adv.
Mr. Siddharth Sinha, Adv.

For Respondent(s)

Mr. Kedar Nath Tripathy, AOR
Mr. Sushant Muduli, Adv.
Mr. Anubhav Mehrotra, Adv.
Ms. Smruti Dash, Adv.

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

Mr. Parthiv Goswami, learned Senior Counsel draws attention of this court to the order in *State of Uttar Pradesh v. Jaiveer Singh* [(2017) 3 SCC 311] to point out that the view taken on the interpretation of the expression "Industry" under the definition Section 2(j) of the Industrial Disputes Act 1947 in

the *Bangalore Water Supply and Sewage Board v. Rajappa* [(1978) 2 SCC 213] has now been referred to a Bench of nine-Judges to answer the question formulated by the five-Judges Bench on 05.05.2005. Accordingly, the learned counsels submit that since the very same interpretation is involved in the present case, in respect of the Goshala, the matter be tagged with the pending case.

Tag with Civil Appeal No.897/2002.

In the meantime, the petitions should ensure remittance of the wages to the workmen under Section 17(b) of the Industrial Disputes Act 1947. Subject to payment of Rs.30,000/- with the requisite interest towards back-wages and the Section 17(b) benefits to the respondent, the operation of the impugned judgment is stayed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)