

**Chief Justice's Court**

**Case :-** SPECIAL APPEAL No. - 344 of 2018

**Appellant :-** M/S Mahindra And Mahindra Financial Services Ltd.

**Respondent :-** State Of U.P. And 4 Ors

**Counsel for Appellant :-** Devendra Vikram Singh, Durgesh Bahadur Singh

**Counsel for Respondent :-** C.S.C., Nishant Mehrotra

**Hon'ble Dilip B. Bhosale, Chief Justice**

**Hon'ble Suneet Kumar, J.**

Heard Mr. Durgesh Bahadur Singh, learned counsel for the appellants, Mr. Nishant Mehrotra, learned counsel for respondent no.5 and learned Standing Counsel for respondents-State.

Without entering into the question whether this special appeal is maintainable, we dispose it of by consent of learned counsel for the parties by the following order:

The appellants shall deposit the entire amount i.e. Rs.7,64,424/-, as mentioned in the impugned recovery certificate dated 13.3.2018, within a period of 15 days from today. It would be open to respondent no.5 to withdraw 50% therefrom unconditionally. Thereafter, the labour court shall consider and decide the appellants' recall application as expeditiously as possible and preferably within a period of six weeks therefrom. It is made clear that if the appellants fail to deposit the amount, as aforementioned, the labour court shall not hear the recall application and in that eventuality, it would be open to respondents-State to execute recovery certificate. The issue whether recall application is maintainable, is kept open. If for any reason, the issue/matter remains pending after six weeks, the labour court shall invest the remaining 50% amount in a fixed deposit in any nationalized Bank

initially for a period of three months and shall renew the same from time to time till the issue/matter is finally resolved.

**Order Date :-** 18.4.2018

RK

(Suneet Kumar, J)

(Dilip B Bhosale, CJ)