

ITEM NO.29

COURT NO.6

SECTION IX

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

PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) NOS. 21974-21977/2026

[Arising out of impugned final judgment and order dated 21-05-2026 in WP No. 2053/2026, WP No. 2059/2026, WP No. 2060/2026, and WP No. 2061/2026 passed by the High Court Of Judicature at Bombay, Circuit Bench at Kolhapur]

ALKA DEWAN ALIAS MITHILA MADAN DIWAN ETC.

PETITIONER(S)

VERSUS

LABOUR COMMISSIONER & ORS.

RESPONDENT(S)

IA No. 180838/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 180835/2026 - EXEMPTION FROM FILING O.T.

Date : 22-06-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE N.V. ANJARIA

(PARTIAL COURT WORKING DAYS BENCH)

For Petitioner(s) :Ms. Pinky Anand, Sr. Adv. (Through VC)
Ms. Saudamini Sharma, AOR

For Respondent(s) :

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

1. The petitioner has approached this Court by way of the instant special leave petitions assailing the order dated 21st May, 2026 passed by the High Court of Judicature at Bombay, Circuit Bench at Kolhapur, whereby,

the writ petition nos. 2053, 2060, 2061 and 2059 of 2026 preferred by the petitioner were deferred for consideration and an observation was made that the pendency of the petitions would not preclude the concerned Court from proceeding with the execution.

2. The *lis* arises from the claim for wages raised by the erstwhile employees of the company - M/s. Delstar Private Limited. The Assistant Labour Commissioner decided the proceedings in favour of the Employees Union way back on 5th February, 2016 when the application under Section 33(C)(2) of the Industrial Disputes Act filed by the employees was allowed and the respondents i.e., M/s. Delstar Private Limited represented by its directors Shri Madan Diwan and Shri D.V. Chitale were directed to pay a total amount of Rs.68,83,549/- comprising of the components of salary and difference in salary for the workmen for the period between June, 2011 to 2012 along with interest.

3. After protracted proceedings, the recovery certificate was issued on 11th October, 2022 and was forwarded to the District Collector for recovery in terms of the order passed by the Labour Court. The High Court of Bombay took up the matter in Writ Petition No.5381/2025 and directed the authorities to decide the recovery proceedings within a stipulated period of 10

weeks. Pursuant thereto, the Assistant Labour Commissioner, Satara issued a modified recovery certificate wherein, the petitioner was impleaded as an additional director of the Company.

4. It is argued by Ms. Pinky Anand, learned Senior Counsel that the petitioner has raised a grievance in the writ petition that her individually owned property which she acquired from one Ramchandra Bhimaji and Company on 1st January, 2026 has wrongly been included in the list of assets of the company and has been attached. The petitioner further submits that the Assistant Labour Commissioner has attached the private properties of the petitioner without issuing any notice to her. The petitioner claims that she was removed from the post of additional director of the company on 1st November, 2016. The petitioner filed the aforesaid writ petition challenging the recovery certificate issued to the extent of her own individual properties. The hearing of the writ petition has been deferred with the observations made hereinabove upon which, the petitioner is before this Court by way of instant special leave petitions.

5. We may observe that copy of the writ petition has not been placed on record of the instant special leave petitions. There is no authentic/official document portraying the removal of the petitioner from the array

of directors in accordance with the provisions of the Companies Act.

6. We are of the firm view that the issues which are sought to be raised in these special leave petitions are pure issue of facts. The petitioner would be free to demonstrate before the High Court that her properties cannot be lawfully attached/sold for recovery of the dues of the employees which were outstanding against the company. The impugned order is an interlocutory order which does not finally foreclose any right of the petitioner.

7. Hence, the special leave petitions are dismissed as being devoid of merits.

8. Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
AR-CUM-PS

(NIDHI WASON)
ASSISTANT REGISTRAR