

Government of West Bengal
Labour Department, I. R. Branch
N.S. Building, 12th Floor, 1, K.S. Roy Road, Kolkata – 700001

No. Labr/ 66 / (LC-IR)/ 22015(16)/19/2026

Date : 14-01-2026

ORDER

WHEREAS under Labour Department's Order No Labr./944(3)/(LC-IR)/22016/7/2024 dated 13.09.2024 with reference to the Industrial Dispute between M/s Rose Valley Hotels & Entertainments Ltd. & Ors, Godrej Waterside, Office Nos. 201 & 202, Tower-1, Plot-5, Block-DP, Sector-V, Salt Lake, Kolkata – 700091 and its workman Sri Sougata Tapaswi, Hem Chandra Mukherjee Road, Barisha, Kolkata – 700008, regarding the issues mentioned in the said order, being a matter specified in the Second Schedule of the Industrial Dispute Act' 1947 (14 of 1947), was referred for adjudication to the 1st Industrial Tribunal, Kolkata.

AND WHEREAS the 1st Industrial Tribunal, Kolkata, has submitted to the State Government its Award dated 07.01.2026 in Case No. 06/2015 on the said Industrial Dispute Vide e-mail dated 08.01.2026 in compliance of Section 10(2A) of the I.D. Act' 1947.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act' 1947 (14 of 1947), the Governor is hereby pleased to publish the said Award in the Labour Department's official website i.e. **labour.wb.gov.in**.

By order of the Governor,


Assistant Secretary
to the Government of West Bengal

No. Labr/ 66 /1(5)/(LC-IR)/ 22015(16)/19/2026

Date : 14-01-2026

Copy forwarded for information and necessary action to:

1. M/s Rose Valley Hotels & Entertainments Ltd. & Ors, Godrej Waterside, Office Nos. 201 & 202, Tower-1, Plot-5, Block-DP, Sector-V, Salt Lake, Kolkata – 700091.
2. Sri Sougata Tapaswi, Hem Chandra Mukherjee Road, Barisha, Kolkata – 700008.
3. The Assistant Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The O.S.D. & E.O. Labour Commissioner, W.B. New Secretariat Building, 1, K. S. Roy Road, 11th Floor, Kolkata- 700001.
5. The Deputy Secretary, IT Cell, Labour Department with request to cast the Award in the Department's website.


Assistant Secretary
to the Government of West Bengal

No. Labr/ 66 /2(3)/(LC-IR)/ 22015(16)/19/2026

Date : 14-01-2026

Copy forwarded for information to :

1. The Judge, 1st Industrial Tribunal, Kolkata, with reference to e-mail dated 08.01.2026.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata -700001.
3. Office Copy.


Assistant Secretary
to the Government of West Bengal

In the matter of an Industrial Dispute between Sri Sougata Tapaswi, Hem Chandra Mukherjee Road, Barisha, Kolkata – 700 008 and his employer M/s Rose Valley Hotels & Entertainments Ltd. & Ors Godrej Waterside, Office Nos. 201 & 202, Tower-1, Plot-5, Block-DP, Sector-V, Salt Lake, Kolkata – 700 091.

[Case No.: 06/2015 u/s 10(b) & 2A]

BEFORE THE FIRST INDUSTRIAL TRIBUNAL, WEST BENGAL

P R E S E N T

CHOWDHURY HEFAZAT KARIM, JUDGE

First Industrial Tribunal
Kolkata.

A W A R D

Dated: 07.01.2026.

Today is the date fixed for further hearing of argument from the petitioner/employee's end.

The record is taking up for the same.

On call Ld. Counsel representing the petitioner/employee appears.

Ld. Counsel representing the OP/Company also appears.

Ld. Counsel for the petitioner orally submits that he has not got any information from his client for filing any withdrawal application or for advancing any further argument.

Ld. Counsel for OP/Company strongly raises objection by submitting that the instant proceeding is being unnecessarily dragged for long time. He further frankly submits that for argument sake, if the case is restored then this would not continue only on the point of maintainability as the case has been filed u/s 2A along with u/s 10(b) of the Industrial Dispute Act straightway without approaching before the appropriate government.

Having heard both sides, having perused the application for setting aside the exparte order under Order 9 Rule 3 along with section 151 of CPC and the application for condonation of delay u/s 5 of Limitation Act, as well as the case record.

It appears from the record that this case has been initiated u/s 2A and section 10(b) of the Industrial Dispute Act on 02.12.2015 by the applicant Sougata Tapaswi directly before this Tribunal without approaching appropriate government as per requirement of section 2A as well section 10(b) of the Industrial Dispute Act 1947.

Apart from it, this Tribunal on 28.06.2018, has been pleased to pass an order by taking view that no industrial dispute was in existence and "No Dispute Award" was passed on the ground that on continuous absence of the applicant on various schedule dates and without giving any reply to show cause as to why the case would not be disposed of by passing "No Dispute Award".

It further reveals that this applicant, on 18.11.2021 has come to file application before this Tribunal with a prayer for setting aside the "No Dispute Award" and condonation of delay.

It shows that more than 3 (three) years after date of passing of "No Dispute Award", this applicant has come to file the instant case, which is inordinate delay.

It is further revealed that the reasons for delay and condonation of delay as shown by the applicant states that due to financial stringency he could not contact with his lawyer and his lawyer also did not take or look after the case sincerely.

But this explanation for delay as a man of common prudent is neither cogent nor convincing enough. Rather it is unbelievable.

It should not be left out to mention that directly Order 9 Rule 3 of CPC and section 5 of Limitation Act are having no application in this proceeding as there is a clear cut provision of Rule 27 of the West Bengal Industrial Dispute Rules 1958.

More, so, it should not be a out of context to state that if the case is restored by taking any lenient view inspite of that the instant proceedings would be liable to be dismissed at the first instance on the point of maintainability as it is filed directly without approaching before the appropriate government by fulfilling the condition precedent as per requirement of u/s 2A and 10(b) of the Industrial Dispute Act.

Therefore, in the light of the discussion made above, it is a fit case for rejecting the application filed for recalling the exparte order dated 28.06.2018 of this Tribunal on the ground of delay not sufficiently explained.

Thus, the application dated 18.11.2021 made by the applicant for setting aside the exparte order dated 28.06.2018 stands rejected.

Accordingly the case stands disposed of on contest without cost.

Let a copy of this order be sent on line in PDF form to the Secretary, Labour Department, Government of West Bengal, N.S. Buildings through the dedicated e-mail for information and doing subsequent action as per provision of law.

Dictated & Corrected by me

Sd/-

Judge

Sd/-

(Chowdhury Hefazat Karim)
Judge, First Industrial Tribunal,
Kolkata.
07.01.2026.