

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA**

WRIT APPEAL NO: 530 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 16-04-2025 in I.A. No. 2 OF 2025 in W.P No. 10385 of 2025 on the file of the High Court.

Between:

M/s. Tata Lockheed Martin Aerostructures Ltd, Sy.No.255, Aditya Nagar, Adibatla (V) Ibrahimpatnam Mandal, Ranga Reddy District - 501510, Telangana

Represented by its Deputy General Manager Mr. Kolloju Rambabu

...APPELLANT/PETITIONER

AND

1. The Regional Provident Fund Commissioner-II, (Compliance) Regional Office, 3-4-763, Barkatpura, Hyderabad-500027
2. The Presiding Officer, Central Government Industrial Tribunal cum Labour Court, Nampally, Hyderabad

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Order No. TS/RO/HYD/73305/C-50203 -2018 dated 08-06-2018 passed by 1st Respondent confirmed by the 2nd Respondent, Hyderabad vide order passed in EPF Appeal No. 20/2018 dated 06-03-2025 till disposal of the Writ Appeal and pass such order or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.

**Counsel for the Appellant: SRI G. VIDYA SAGAR, APPEARING FOR
MS. SHIREEN SETHNA BARIA**

**Counsel for the Respondent No.1: SRI DASAGARI RAGHAVENDAR RAO
SC FOR EPFO**

**Counsel for the Respondent No.2: SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

The Court Delivered the following: JUDGMENT

**THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA**

WRIT APPEAL No.530 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri G.Vidya Sagar, learned Senior Counsel appearing for Ms.Shireen Sethna Baria, learned counsel for the appellant and Sri Dasagari Raghavendar Rao, learned Standing Counsel for respondent No.1.

2. Heard on admission.

3. This *intra* Court appeals takes exception to an interlocutory order/interim order passed by the learned Single Judge in I.A.No.2 of 2025 in W.P.No.10385 of 2025 dated 16.04.2025.

4. Learned Senior Counsel for the appellant submits that the learned Single Judge should not have passed the impugned order and it is causing serious prejudice to the appellant.

5. The pivotal question is whether this intra court appeal is maintainable against an interlocutory order?

6. This Court has consistently taken a view based on the Supreme Court judgments that unless the interlocutory order has the character of a 'judgment', the writ appeal/Letters Patent Appeal is not maintainable.

7. Recently, in W.A.No.506 of 2025 and batch, dated 30.04.2025, this Court held as under:

"7. Admittedly, the appellants are party respondents before the learned Single Judge. The learned Single Judge has passed the impugned order without putting the appellants to notice. Thus, the appellants can certainly file applications for vacation of the aforesaid order. If such applications are filed, the learned Single Judge will certainly examine the same and in that event, it cannot be said that the order impugned passed by the learned Single Judge has attained finality or falls within the ambit of "judgment". Thus, the judgment of the Supreme Court in **LIC of India v. Sanjeev Builders (P) Ltd.** ((2018) 11 SCC 722) is of no assistance in the factual backdrop of this matter. The point involved in this case is no more *res integra*. In catena of judgments, it was held that against an interlocutory order, a Letters Patent Appeal/Writ Appeal can be entertained with circumspection and upon fulfilling the requirements of certain factors.

8. In **University of Hyderabad, rep. by its Registrar, Central University Campus (P.O), Gachibowli, Hyderabad v. Sadik Hussain** (2013 SCC OnLine AP 342) a Division Bench of the erstwhile High Court of Andhra Pradesh at Hyderabad considered Clause 15 of the Letters Patent and opined that it provides an appeal from a "judgment" of Single Judge in exercise of original jurisdiction to a Division Bench. The judgment of the Supreme Court in **Shah Babulal Khimji v. Jayaben D.Kania** (AIR 1981 SC 1786) was considered and it was held that '*orders falling under categories (iv) and (v) are*

not 'judgments' for the purpose of filing appeals provided under the Letter Patent'. Categories (iv) and (v) read thus:

"(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties."

Lastly, the Division Bench recorded as under:

" At the cost of the repetition, it is to be noticed that **the learned Single Judge has not decided the rights and obligations of the parties and only passed interlocutory orders and hence in our considered view the same does not satisfy the trappings of the judgments as defined under Clause 15 of the Letters Patent and it will be appropriate for the appellant to file vacate petition.** Accordingly, the writ appeal is disposed of with the said observation."

(Emphasis Supplied)

9. In **Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda** ((2006) 5 SCC 399), on which heavy reliance is placed, the Supreme Court held as under:

"15. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories:

(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

(iii) Orders which finally decide a collateral issue or question which is not the subject-matter of the main case.

(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties

16. The term "judgment" occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in Section 2(9) CPC and orders enumerated in Order 43 Rule 1 CPC, **but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties.** Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, "judgments" for the purpose of filing appeals under the Letters Patent. **On the other hand, orders falling under categories (iv) and (v) are not "judgments" for the purpose of filing appeals provided under the Letters Patent."**

(Emphasis Supplied)

10. The Supreme Court in a recent judgment in **Shyam Sel and Power Limited v. Shyam Steel Industries Limited** ((2023) 1 SCC 634) took a similar view.

11. The Supreme Court laid down the *litmus* test to determine whether the order impugned is a "judgment" within the meaning of Letters Patent. If the present matter is examined on the anvil of said principles, it will be clear that (i) by impugned order the learned Single Judge has not finally decided the question or issue in controversy in the main case, (ii) the impugned order has not decided any issue which materially or directly affects final decision in the Writ Petition, (iii) the impugned order does not have any impact on a collateral issue or question which was not subject matter of main case."

8. During the course of argument, no argument could be advanced to satisfy the *litmus* test laid down by Supreme Court to

bring the impugned order within the ambit of 'judgment'. Thus, the writ appeal is not maintainable.

9. Faced with this, the learned Senior Counsel submits that the appellant will file appropriate application before the learned Single Judge for the desired relief and till such time such application is filed and decided, the appellant may be protected. The Supreme Court in **Kalabharati Advertising v. Hemant Vimalnath Narichania**¹ opined that for such an interregnum period, no interim relief can be granted because the main matter itself is not maintainable before this Bench. At paragraph No.22 of the aforesaid judgment reads as under:-

"22. It is a settled legal proposition that the forum of the writ court cannot be used for the purpose of giving interim relief as the only and the final relief to any litigant. If the court comes to the conclusion that the matter requires adjudication by some other appropriate forum and relegates the said party to that forum, it should not grant any interim relief in favour of such a litigant for an interregnum period till the said party approaches the alternative forum and obtains interim relief. (Vide *State of Orissa v. Madan Gopal Rungta* [1951 SCC 1024 : AIR 1952 SC 12], *Amarsarjit Singh v. State of Punjab* [AIR 1962 SC 1305], *State of Orissa v. Ram Chandra Dev* [AIR 1964 SC 685], *State of Bihar v. Rambalak Singh "Balak"* [AIR 1966 SC 1441 : 1966 Cri LJ 1076] and *Premier Automobiles Ltd. v. Kamlekar Shantaram Wadke* [(1976) 1 SCC 496 : 1976 SCC (L&S) 70 : AIR 1975 SC 2238].)"

¹ (2010) 9 SCC 437

10. In this view of the matter, this writ appeal is not maintainable. Liberty is reserved to the appellant to approach the learned Single Judge by filing an appropriate application. In nutshell, since the learned Single Judge has passed only an interlocutory order and rights and liabilities of the parties have to be finally determined, at this stage, interference is declined.

11. Accordingly, the writ appeal is **dismissed**. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

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SD/-N.RAJGOPAL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to Ms. Shireen Sethna Baria, Advocate [OPUC]
2. One CC to Sri Dasagari Raghavendar Rao SC for EPFO [OPUC]
3. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
4. Two CD Copies

TJ
LS

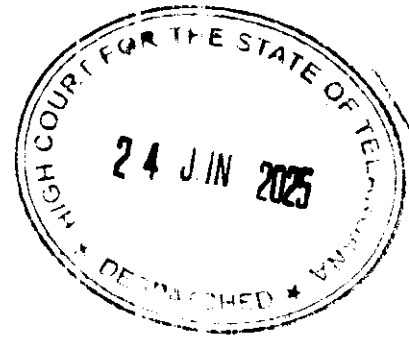


HIGH COURT

DATED:02/05/2025

JUDGMENT

WA.No.530 of 2025



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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