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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 3784 OF 2026 (L-RES)

BETWEEN:

GLASTRONIX LLP,
PLOT NO. 21E2-2ND PHASE
PEENYA INDUSTRIAL AREA,
BENGALURU - 560058.
REPRESENTED BY ITS DIRECTOR,
SRI. PARAG T PRATHAPAN,
REGISTRAR UNDER COMPANIES ACT.

...PETITIONER

(BY SRI S N MURTHY, SENIOR COUNSEL A/W
SRI SOMASHEKAR, ADVOCATE)

AND:

1. THE PRESIDENT/GENERAL SECRETARY,
GLASTRONIX KARMIKA SANGHA,
NO. 172/2, GROUND FLOOR,
4TH MAIN ROAD, 7TH CROSS,
CHAMARAJAPET, BENGALURU - 560018.
2. THE SECRETARY,
LABOUR DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560001.
3. THE SECRETARY TO GOVERNMENT,
MINISTRY OF LABOUR AND EMPLOYMENT,
SHRAMA SHAKTI BHAVAN,
RAFI MARG, NEW DELHI - 110001.

...RESPONDENTS

(BY SMT MAITREYI KRISHNAN, ADVOCATE FOR R1,





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SRI M RAJAKUMAR, AGA FOR R2,
SRI TUSHAR MEHTA, SOLICITOR GENERAL A/W
SRI K ARAVIND KAMATH, ADDITIONAL SOLICITOR GENERAL
A/W SRI GOWTHAM DEV C ULLAL, CGC FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER AND QUASH THE ORDER BEARING NO.LD-IDM/510/2025/LD.DO.6.L-S DATED 19.12.2025 ISSUED BY THE RESPONDENT NO.2 AT ANNEXURE DB) ISSUE A WRIT OF CERTIORARI AND/OR ANY OTHER WRIT OR ORDER AND QUASH THE CENTRAL GOVERNMENT NOTIFICATION DATED 08.12.2025 AT ANNEXURE G TO THIS WRIT PETITION.C) PASS SUCH OTHER ORDER(S) AS DEEMED FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned Senior Counsel Sri. S.N. Murthy, appearing for the petitioner, the learned counsel Smt.Maitreyi Krishnan appearing for respondent No.1, learned Additional Government Advocate for respondent No.2, learned Solicitor General Sri.Tushar Mehta along with Sri.Arvind Kamath, learned Additional Solicitor for respondent No.3.



2. This petition was disposed of vide order dated 10.02.2026. The said order was passed on the premise that Industrial Disputes Act, 1947 (for short 'Act, 1947') is in force. However, before signing the order, the Court noticed that, in terms of notification dated 02.02.2026 the Act, 1947 was repealed. Hence, the draft order dismissing the petition was not signed and the matter was listed for further hearing. Accordingly, the matter is heard afresh.

3. This petition is filed assailing the order dated 19.12.2025 issued by respondent No.2. In terms of the said order, the dispute between the petitioner and respondent No.1/Employees Union is referred to adjudication to the Industrial Tribunal, Bengaluru.

4. Learned Senior Counsel appearing for the petitioner would urge that the reference is invalid inasmuch as the Industrial Relations Code, 2020 (Code, 2020) is notified with effect from 21.11.2025. In terms of



the said Code, 2020, the Government has no jurisdiction to refer the dispute under the Act, 1947.

5. It is the contention that the notification dated 08.12.2025 does not remove the difficulties and seeks to go beyond the powers conferred under Section 103 of the Code, 2020. On these grounds, it is urged that the notification at Annexure - G passed under Section 103 of the Code, 2020 is also required to be quashed.

6. Learned Solicitor General for respondent no.2 would contend that Section 104 of the Code, 2020 is amended on 16.02.2026 and the powers of the Tribunals and other statutory authorities under the Code, 2020, are restored till the Tribunals become functional under the Code, 2020.

7. Learned Senior Counsel for the petitioner by way of reply would urge that the amendment to Section 104 of the Code, 2020 will not come to the aid of the respondents to contend that the authorities and the



Tribunals under the Act, 1947 will have jurisdiction, as Section 51 of the Code, 2020 mandates transfer of all pending proceedings under the Act, 1947 to the Tribunals under the Code, 2020.

8. In addition, it is also urged that Section 104 does not refer to the Labour Courts' jurisdiction being extended till the formation of the Tribunals under the Code, 2020.

9. In addition, it is also urged by the learned Senior Counsel for the petitioner that the Act, 1947 is repealed vide notification dated 02.02.2026 with retrospective effect from 21.11.2025, as such, the order of reference dated 19.12.2025 is without jurisdiction.

10. The Court has considered the contentions raised at the Bar and perused the records.

11. The Industrial Relations Code, 2020 was notified with effect from 21.11.2025. Sub-section(3) of Section 1 of the Code, 2020 reads as under:



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1.Short title, extent and commencement -***xxx***

"(3) It shall come into force on such date as the Central Government may, by the notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the coming into the force of that provision."

12. On a plain reading of the said provision, it is evident that the Code, 2020 will come into operation from the date of notification under sub-section (3) of Section 1. The provision would also indicate that the Central Government is competent to appoint different dates for application of different provisions of the Code, 2020. However, the notification issued on 08.11.2025 does not make any reservations in respect of application of any of the provisions. Thus, all the provisions of the Code, 2020 are brought into effect from 21.11.2025.



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13. Section 51 of the Code, 2020 reads as under:

"51. Transfer of pending cases.-

(1) On and from the date of commencement of this Code, the cases pending immediately before such commencement—

(a) in the Labour Court and the Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), shall be transferred to the Tribunal having corresponding jurisdiction under this Code;

(b) in the National Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), shall be transferred to the National Industrial Tribunal having corresponding jurisdiction under this Code.

(2) The cases transferred under sub-section (1) to the Tribunal or the National Industrial Tribunal shall be dealt with de novo or from the stage at which they were pending before such transfer, as it may deem fit."

14. The plain reading of Section 51 would also indicate that all the Labour Courts and Tribunals constituted under the Act, 1947 shall not have any



jurisdiction and the cases are to be transferred to the Labour Tribunals and the National Tribunals constituted under the Code, 2020.

15. It is an admitted factual position that, the Tribunals and the National Tribunals are not constituted under the Code, 2020.

16. Section 103 of the Code, 2020 would read as under:

103. Power to remove difficulties.-

- (1) *If any difficulty arises in giving effect to the provisions of this Code, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Code as may appear to it to be necessary for removing the difficulty:*

Provided that no order shall be made under this section after the expiry of three years from the date of commencement of this Code.

- (2) *Every order made under this section shall be laid before each House of Parliament.*



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17. Section 104 of the Code, 2020 reads as under:-

104. Repeal and savings.- (1) *In the notification issued under sub-section (3) of section 1 for the commencement of any provision of this Code, the Central Government may specify that the provisions of—*

- (a) *the Trade Unions Act, 1926 (16 of 1926);*
- (b) *the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946); and*
- (c) *the Industrial Disputes Act, 1947 (14 of 1947),*

shall stand repealed with effect from the date appointed in the notification in this behalf and the remaining provisions of the enactments referred to in clauses (a) to (c) shall remain in force till they are repealed by like notifications in the like manner.

- (2) *Notwithstanding such repeal under sub-section (1), anything done or any action taken under the provisions of the enactments so repealed including any rule, regulation, notification, nomination, appointment, order or direction made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Code and shall be in force to the extent they are not contrary to the provisions of this Code.*



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(3) *Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply to the repeal of such enactments."*

18. Section 103 of the Code, 2020 does not enable the Government to take any action which is inconsistent with the provisions of the Code, 2020. If under the said provision the jurisdiction of the Courts and Tribunals under the Act, 1947 is restored, then, it violates Section 51 of the Code, 2020 as such, such an exercise is impermissible. Thus, the contention that jurisdiction of the Courts and Tribunals under the Act, 1947 are restored or will continue till the establishment of the Tribunals under the Code, 2020 in view of notification under Section 103 of the Code, 2020 cannot be accepted.

19. It is true that vide notification dated 02.02.2026, the Act, 1947 is repealed. However, it is to be noticed that Section 104 of the Code, 2020 is amended on 16.02.2026 as under:-



104. Repeal and savings.-(1) *The following enactments shall stand repealed on and from the date appointed in the notification issued under sub-section (3) of section 1, namely:-*

- (a) the Trade Unions Act, 1926;*
- (b) the Industrial Employment (Standing Orders) Act, 1946; and*
- (c) the Industrial Disputes Act, 1947.*

(1A) Notwithstanding such repeal under sub-section (1), the functioning of the Tribunals and statutory authorities functioning under the Acts so repealed shall continue to function till such Tribunals and other statutory authorities becomes functional under this Code.

(2) Notwithstanding such repeal under sub-section (1), anything done or any action taken under the provisions of the enactments so repealed including any rule, regulation, notification, nomination, appointment, order or direction made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Code and shall be in force to the extent they are not contrary to the provisions of this Code.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply to the repeal of such enactments."



20. It is noticed that in terms of the amendment dated 16.02.2026 vide Act No.1/2026 (a) The Trade Unions Act, 1926 (b) The Industrial Employment (Standing Orders) Act, 1946; and (c) The Industrial Disputes Act, 1947 stood repealed with effect from the notification issued under sub-section (3) of Section 1 of Code, 2020. Since, notification under sub-section (3) of Section 1 of the Code, 2020 is issued on 21.11.2025, the Act, 1947, stood repealed with effect from 21.11.2025. However, Section 104(1A) of the Code, 2020 provides that notwithstanding the repeal of the Acts mentioned in the said provision, the Tribunals and statutory authorities functioning under the Acts so repealed will continue till the formation of Tribunals and other authorities under the Code, 2020.

21. This being the present position post amendment dated 16.02.2026, there is no difficulty in holding that the Tribunals, the Labour Courts and other statutory authorities under the Act, 1947 will continue to have



jurisdiction till the Tribunals are formed under the Code, 2020.

22. Though the learned Senior Counsel assailing the order of reference dated 19.12.2025 would urge that since Act, 1947 is repealed with retrospective effect from 21.11.2025, and the reference order dated 19.12.2025 is to be construed as one without jurisdiction, the Court is of the view when the reference order was passed the Act, 1947 was in force. In such a situation, Section 6 of the General Clauses Act, 1897 would save the order of reference dated 19.12.2025.

23. Though it is urged that the word "Labour Court" is not found in Section 104 (1A) of the Code, 2020 the Court is of the view that the expression statutory authorities found in Section 104(1A) would also include the Labour Courts.

24. For the aforementioned reasons, this Court does not find any merit in the Writ Petition.



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25. Accordingly, the Writ Petition is ***dismissed***.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

brn/GVP
List No.: 1 Sl No.: 80