

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND EIGHT

: PRESENT :

THE HON'BLE SRI.JUSTICE : GHULAM MOHAMMED
AND
THE HON'BLE SRI.JUSTICE : P. SWAROOP REDDY

C.M.A. NO.197 OF 2008

(Appeal under Section 82 of the Employees State Insurance, against the Order dated 03.12.2007 in EIC Sr.No.1381 of 2007 on the file of the Employees Insurance Court and Chairman Industrial Tribunal-I at Hyderabad).

-

Between:

M/s. Sri Seetha Maha Lakshmi Groundnut Oil Trading Company,
Rep. By its Managing Partner, Sri D. Venkateswara Rao.

.. Appellant

AND

- 1.The Regional Director, Regional Office,
Employees State Insurance Corporation,
5-9-23, Hill Fort Road, Hyderabad-500 016, A.P.
- 2.The Deputy Director, ESI, Regional Office,
5-9-23, Hill Fort Road, Hyderabad-500 016, A.P.
- 3.The Recovery Officer, Office of the Recovery Officer,
14-20-27, Padmanabha Buildings, Gandhinagar,
Vijayawada-520 003, A.P.
- 4.The Recovery Officer, Regional Office ESI,
5-9-23, Hill Fort Road, Hyderabad-500 016, A.P.

..

Respondents

The petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of **Dr. I. Sujatha**, Advocate for the Petitioner, the Court made the following;

ORDER :

"IA No.118 of 2007 in EIC (Sr) No.1381 of 2007 was filed under Section 5 of the Limitation Act r/w. Section 75 of ESI Act 1948 seeking to condone the delay of 1116 days in filing the petitioner under Section 75(1) (g) of ESI Act.

The learned Judge of the ESI Court by the impugned order dismissed the above IA by relying on an un-reported decision of High Court of Calcutta. Learned Counsel for the appellant herein states that the copy of the said un-reported decision was not served on the counsel and therefore learned counsel was not in position to

make the submissions based on the said decision. According to the learned Counsel, the said un-reported decision is not applicable to the present facts of the case.

Though the gist of the said un-reported decision is extracted by the ESI Court in the impugned order, the case number is not given.

-2-

In the circumstances, Registry is directed to call for a copy of the said un-reported decision from the ESI Court forthwith.

Post appeal next week”.

REGISTRAR

ASSISTANT

// TRUE COPY //

for ASSISTANT REGISTRAR

To

- 1.The Employees Insurance Court and Chairman Industrial Tribunal-I at Hyderabad.
(BY SPECIAL MESSENGER)
- 2.The Regional Director, Regional Office, Employees State Insurance Corporation,
5-9-23, Hill Fort Road, Hyderabad-500 016, A.P.
- 3.The Deputy Director, ESI, Regional Office, 5-9-23, Hill Fort Road,
Hyderabad-500 016, A.P.
- 4.The Recovery Officer, Office of the Recovery Officer, 14-20-27,
Padmanabha Buildings, Gandhinagar, Vijayawada-520 003, A.P.
- 5.The Recovery Officer, Regional Office ESI, 5-9-23, Hill Fort Road,
Hyderabad-500 016, A.P.
- 6.The Section Officer, CMA Section, High Court of A.P., Hyderabad.
7. The Section Officer, Judicial Section, High Court of A.P., Hyderabad.
- 8.One spare copy.
- 9.One CC to **Dr. I. Sujatha, Advocate. (OPUC)**

H.A.

DRAFTED BY : H.A.
DATED : 19.03.08
APPROVED BY :

HIGH COURT

GMJ
&

PSRJ

DATED : 19.03.08

**NOTE : POST THE APPEAL
NEXT WEEK.**

ORDER :

CMA NO.197 OF 2008

DIRECTION