

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.3406 of 2011 (O&M)

Date of Decision: May 25, 2015

M/s New India Plastic Products

.... Appellant

vs.

Employees State Insurance Corporation and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rakesh Dhiman, Advocate for the appellant.

Mr. Vikas Suri, Senior Standing Counsel
for respondent Nos.1 to 3.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present appeal is the order dated 27.09.2010 passed by the Employees State Insurance Court, Gurgaon, whereby the application filed by the present appellant under Section 7 of the Employees' State Insurance Act, 1948 (in short 'the ESI Act') was dismissed.

The appellant had challenged the order of Employees' State Insurance Corporation, whereby the appellant's plastic unit was held to be covered under the ESI Act as 10 employees were found to be employed there.

Under Section 82(1) under the ESI Act, no appeal lies against the order of ESI Corporation. However, as per sub Section 2, the appeal lies, if there is substantial question of law.

Learned counsel for the appellant has pointed to the grounds of appeal, wherein following questions have been framed.

“a) Whether the ESI Act is applicable on any unit manufacturing anything by employing less than 10 workers without the aid of the power?

b) Whether any specific assertion made in examination-in-chief and not controverted or not suggestion in that regard was put, amounts to admission of the assertion?”

After going through the judgment, I am of the view that whether 10 employees or less employees were working is a question of fact and similarly, controverting the same by putting question in cross-examination is also a question of fact.

No question of law, much less substantial question of law arises in the present appeal.

Therefore, the present appeal is dismissed.

May 25, 2015
sarita

(KULDIP SINGH)
JUDGE