

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (L) No. 135 of 2016**

M/s K. J. Thomas through: Lijo Thomas S/o Shri K. J. Thomas, aged about 30 years, (Aben Ajar), R/o Road No. 2, Ashish Nagar (West), Raisali, Bhilai, (Chhattisgarh)

---- Petitioner**Versus**

1. Regional Office, E.S.I. 107, Ramnagar Road, Kota, Raipur, (Chhattisgarh)
2. Branch Manager, E. S. I., 6/4, Priyadarshni Parisar (North) Supela, Bhilai, (Chhattisgarh)
3. Recovery Officer, E. S. I. Corporation, 107, Ramnagar Road, Kota, Raipur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Shakti Raj Sinha, Advocate.
For Respondents	:	Shri Pradeep Saksena, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/11/2016**

The present petition has been filed being aggrieved by the order dated 18.06.2015 passed by the Employee State Insurance Court, Durg in Case No. 21/E.S.I. Act/2015 and the subsequent order dated 26.02.2016 passed in a review proceeding drawn before the same Court.

2. The grievance of the petitioner in nutshell is that the petitioner had not made contribution and proper assessment of E.S.I. Contribution for the period from August 2008 to March 2012. The Authorities under the Employees State Insurance Corporation had issued notice for recovery of Rs. 14,84,720/- against the petitioner which the petitioner had challenged by filing a case under Section 75 of ESI Act

before the E.S.I. Court i.e. Labour Court, Durg which was registered as Case No. 21/ESI.Act/2015. The petitioner also moved an application for grant of interim relief under Section 75 (2B) of E.S.I. Act of 1948.

3. The Court below vide its order dated 18.06.2015 passed an interim order that the bank account of the petitioner shall be frozen to the extent of Rs. 14,84,720/- and further 50% of the amount assessed by the Authorities shall have been mandatorily deposited by the petitioner before the Court below.

4. Subsequently a review application was filed by the petitioner which was also rejected by the Court below vide its order dated 26.02.2016 leading to the filing of the present writ petition.

5. It is noteworthy that this Court on 22.08.2016 had ordered that if the petitioner deposits an amount of rupees five lakhs within a period of six months, no coercive steps shall be taken and he shall also be free to operate his bank account without any limitation as has been held by the Labour Court vide order dated 18.06.2015.

6. Counsel for the petitioner submits that since this amount of Rs. 5,00,000/- has already been deposited by the petitioner before the Court below which is also not disputed by the counsel for the respondents, the matter may be disposed of treating the depositing of Rs.5,00,000/- as mandatory compliance of the provisions of Section 75 (2B) of E.S.I. Act in lieu of the 50% which has been awarded by the Court below and the Court below may be directed to further proceed with the case for its final adjudication.

7. This proposition put forth by the counsel for the petitioner is not opposed by the counsel for the respondents.

8. Since the petitioner has admittedly deposited Rs.5,00,000/- against the

assessment of Rs.14,84,720/- made by the respondents, the interim order dated 18.06.2015 passed by the ESI Court stands modified to the extent that the depositing of Rs.5,00,000/- shall be treated as compliance of the mandatory provisions of Section 75 (2B) of E.S.I. Act and the remaining part of the order dated 18.06.2015 shall not be insisted to be acted upon till the final decision before the Court below.

9. With the aforesaid observation the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE