

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 233 of 2016**

- M/s Radhaswami Plastic Industries Through Director Chandprakash Bajaj 43-A / 1, Industries Area, Tifra, Bilaspur Distirct Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Employees State Insurance Corporation Through Regional Director 107, Jagannath Chowk Ramnagar Road, Kota, Raipur Chhattisgarh
2. Recovery Officer, Employees State Insurance Corporation Raipur Chhattisgarh
3. Branch Manager, I.C.I.C.I. Bank Bilaspur Chhattisgarh
4. Branch Manager, Axis Bank Bilaspur Chhattisgarh
5. Branch Manager, Oriental Bank Of Commerce Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri S. P. Kale, Advocate
 For Respondent No.1 & 2 : Shri Pradeep Saxena, Advocate, on
 advance copy

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/12/2016**

1. The present petition under Article 226 of the Constitution of India has been preferred assailing the order dated 07.09.2016 passed by the Employees State Insurance Court, (ESI) Bilaspur i.e. the

Labour Court, Bilaspur in case No.66/ESI/2015.

2. The grievance of the petitioner is that it has preferred a case against the order of assessment pending before the ESI i.e. the Labour Court assessing the petitioner's establishment to pay an amount of Rs.1,23,888/- and also interest amounting to Rs.86,681/- for the period 01.07.2005 to 31.05.2010.
3. The matter was seized for hearing before the Court below and the Labour Court had initially granted an order of interim protection vide order dated 05.11.2015, wherein the order of status-quo was passed till 15.12.2015. Thereafter, notices were issued to the respondents in the said case i.e. ESI Corporation as well as the respondents No.3 to 5 Bank.
4. The counsel for the petitioner submits that the Corporation respondent Nos.1 and 2 had filed its reply and thereafter the matter was proceeded further for reply of the bank i.e. respondent Nos.3 to 5 on the application for stay as well as on the main reply to the petition. It continued for the said reply of the respondents No.3 to 5 and suddenly on 07.09.2016 the labour Court abruptly heard the application for grant of interim relief and disposed of the said application directing the petitioner to deposit 50% of the amount as assessed by the respondent No.1 Corporation as per Section 75 (2B) of the Employees State

Insurance Act, 1948.

5. The contention of Shri Kale is that the labour Court has in the instant case fixed the case for the reply of the respondents No.3 to 5 and the matter was awaiting the reply of these respondents No.3 to 5 for long and the petitioner's establishment was taken by surprise on 07.09.2016 when the labour Court proceeded and decided the application for interim relief. According to Shri Kale, it may be granted one opportunity for explaining the entire facts and circumstances of the case to the court below so far as the interim application is concerned and thereafter the Court may pass an order afresh. To this limited prayer that the learned counsel for the petitioner has made, the counsel for respondents No.1 & 2 do not oppose.
6. In view of the peculiar facts and circumstances of the case, where contention of the petitioner is that it was denied fair and appropriate opportunity of hearing on the application for grant of interim relief on account of the fact that the matter was otherwise fixed for reply of the respondents No.3 to 5 and the Court below heard the application for interim relief and passed the impugned order, this Court is of the opinion that the ends of justice would meet if the petitioner is granted another opportunity of hearing before the Court below for addressing the Court on the application for grant of interim relief.

7. With the aforesaid prayer, the impugned order dated 07.09.2016 as of now stands set aside/quashed and the labour Court is further directed to rehear the application for grant of interim relief and pass fresh order without changing the next date of hearing. It is ordered that on the next date of hearing when the matter would be taken up by the Court below, the petitioner herein shall make all its submissions so far as application for grant of interim relief is concerned and the Court below shall be obliged to pass a speaking order purely in accordance with the rules and the law applicable on the field.
8. The writ petition stands allowed and disposed off.

Sd/-

Judge
(P. Sam Koshy)

Nirala