

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (STAMP) NO. 31186 OF 2016
AND
CIVIL APPLICATION NO. 4713 OF 2016**

P.D. Hinduja National Hospital & Medical
Research Centre & Anr.

...Applicants / Appellants

vs.

Employees' State Insurance Corporation & Ors.

...Respondents

Mr.S.C. Naidu with Aniketh Poojari and Ms.Raghavi Raj I/b. C.R. Naidu &
Co. for Applicants / Appellants.

Mr.P.M. Palshikar for Respondent Nos.1 to 4.

CORAM : S.C. GUPTE, J.

6 DECEMBER 2016

P.C. :

After the matter was heard at some length, considering the fact that the main issue, namely, whether the Appellants are covered by the Employees State Insurance Act, 1948 itself needs to be decided at the very outset, by consent of parties, the impugned order is set aside and the matter is remanded to the Employees' Insurance Court at Mumbai. The Employees' Insurance Court shall consider the application (ESI) afresh and in accordance with law. All rights and contentions of the parties on merits are kept open.

2 In the meantime, pending disposal of the application, the Appellants shall deposit the balance amount of Rs.6,07,000/- with the Insurance Court to the credit of the application. Such deposit shall be made within a period of two weeks from today. All parties, including the Registrar of the court, shall act on the authenticated copy of this order.

3 In view of the disposal of the appeal itself, Civil Application No.4713/2016 does not survive and the same is disposed of.

(S.C. Gupte, J.)