

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1223 OF 2016**

Regional Director, Employees' State Insurance Corporation & Anr	...Appellants
<i>Versus</i>	
Alok Chemicals Pvt Ltd	...Respondent

**WITH
FIRST APPEAL NO.1224 OF 2016**

Regional Director, Employees' State Insurance Corporation & Anr	...Appellants
<i>Versus</i>	
Dolphin Floats Pvt Ltd	...Respondent

Mr HV Mehta, for the Appellants.
Mr DJ Bhanage, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 27th June 2017

PC:-

1. These Appeals are against the common judgment dated 28th January 2015. These were Applications under Section 75 of the Employees' State Insurance Act. Yet again, as in many other

matters, the Employees' State Insurance Court ("**ESI Court**") at Pune simply remanded the matters to the Additional Commissioner of the Employees' State Insurance Corporation to take an appropriate decision in accordance with law.

2. for god's sake what is this rubbish paragraph? Nothing here makes any sense at all! This is not how these matters are to be handled. The ESI Court itself, on the material before it or on such other material as was available, ought to have decided the correctness of the Section 45A order. It ought not to have remanded the matters in this fashion. This constant cycle of remanding the matter to the pending is self-defeating. It does poor services to what should be the objective of every Court, which is to lend finality to litigation.

3. The judgment in question is set aside.

4. The ESI Court will hear the parties on merits afresh on the material that is already on record in Application No.4 of 2010 and Application No.5 of 2010. Both Appeals are restored to file. Parties may adduce additional material relevant to the case before the ESI Court, if a case is made out for this by the parties seeking to produce additional material.

5. Both First Appeals are disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)