

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

WRIT PETITION NO.12107 OF 2017

M/s. Jayita Textiles and Industries

Pvt.Ltd.

.. Petitioner

Vs.

Employees State Insurance Corporation

& Anr.

.. Respondents

Mr. P. M. Bhagat for the petitioner.

Mr. H. V. Mehta for the respondents.

CORAM : A.K. MENON, J.

DATED : 20TH DECEMBER, 2017

P.C. :

1. By this writ petition, the petitioner challenges an order dated 19th July, 2017 passed by the Industrial Court directing the applicant-petitioner to deposit 50% of the amount claimed by the Corporation by order dated 15th February, 2015.
2. The principal grievance of the petitioner is that the work is carried out not by the petitioner company but by outside contractors. The learned counsel for the petitioner invites my attention to the order under Section 45A of the Employees State Insurance Corporation Act, wherein paragraph 6, 20 parties are listed and it is submitted that no

opportunity was given to him to produce these documents and establish the fact that the petitioner was not a principal employer, and therefore, had no liability.

3. A perusal of the impugned order reveals that the applicant had not made out a prima facie case and was given sufficient opportunities to establish the fact that the work were not carried out by the outside agencies. In paragraph 6 of the order, it recorded that by notice dated 14th December, 2015 the applicant was asked to remain present on 29th December, 2015 but the applicant did not produce any documents. Furthermore, it appears from the record that before the said notice was given, a number of notices were issued to the applicant to produce documents and make out a case. These notices are dated 29th May, 2015, 27th October, 2015 and 19th November, 2015. Despite these opportunities, the applicant remained absent. There is nothing on record to show that such notices and reminders were not issued. The petitioner has not disputed these facts. It appears that the petitioner has sidestepped all these notices and has omitted to produce documents.
4. In the circumstances, I did not find that this is a fit case which requires interference under writ jurisdiction of this Court. Hence, I pass the

following order:-

- (i) Writ Petition is dismissed. Needless to mention further proceedings shall be decided on merits and in accordance with law uninfluenced by this order.
- (ii) No orders as to costs.

(A.K. MENON,J.)

wadhwa