

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 30585 OF 2017

ORDER:

The order dated 28.06.2017 in I.A(SR) No. 872 of 2017 on the file of the Employees' Insurance Court and Chairman, Industrial Tribunal-I at Hyderabad, whereby the petitioner was directed to deposit 50% of the amount demanded by the respondent Corporation is questioned in this Writ Petition.

The challenge has been made to the order dated 28.06.2017 mainly on the ground that the Tribunal has failed to take into account and consideration the material placed before it with respect to the fact that the notice of demand itself came to be issued after four years and further the contributions alleged to have not been paid relate to April 2010 to September 2010. Further, the case of the petitioner is that the 1st respondent Corporation has passed the order taking the employees on imaginary basis and on mere assumptions.

Learned counsel for the petitioner submits that the Appellate Tribunal had failed to exercise the discretion vested in it under the Proviso to Section 75(2)(b) of the Employees' State Insurance Act, 1948, with respect to the pre-condition of deposit of 50% of the amount demanded.

Heard Sri B.G. Ravinder Reddy, learned Standing Counsel for the respondents.

Having considered the respective submissions, it is evident that the order impugned has been made in a hectic manner stating that except the contention that the order under Section 45-A of the 1948 Act was passed without affording an opportunity and without

following the principles of natural justice, there is no other merit or ground justifying grant of waiver of condition of depositing 50% of the demanded amount.

In the facts of the present case, interests of justice would be served if 30% of the amount is directed to be deposited instead of 50%, pending disposal of the Appeal. The observations made in this order will not be construed as expressing any opinion on the merits of the matter.

The Writ Petition is accordingly, disposed of. No costs.

12th September 2017

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CHALLA KODANDA RAM, J

