

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 230 of 2018

M/s BSBK Pvt. Ltd. BSBK House, Nandini Road, Bhilai, District Durg Chhattisgarh Through Ashish Sharma S/o Late Krishna Murari Sharma, Aged About 50 Years, Sr. Manager, BSBK Pvt. Ltd. R/o House No. 481/6 Model Town Bhilai, District Durg Chhattisgarh.

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Versus

1. Employees State Insurance Corporation Through Its Regional Director, Regional Office, 107 Ramnagar Road, Kota, Raipur, District Raipur Chhattisgarh.
2. Deputy Director Employees State Insurance Corporation, Regional Office, 107 Ramnagar Road, Kota, Raipur, District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Dharmesh Shrivastava, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/11/2018

1. The grievance raised by the petitioner in the present writ petition is that the respondent No.1 in all probabilities may go in for execution of the earlier order passed by the department, which is under challenge before the Labour Court.
2. The brief facts of the case is that the respondents/State Insurance Corporation had initiated steps covering the petitioner-establishment under the ESI Act and had assessed a liability against the petitioner to the tune of Rs.37,80,605/-. The petitioner had challenged the same before the Employees State Insurance Court/Labour Court, where the claim of the petitioner was rejected. The said order of the Labour Court was challenged before the Labour Court vide MA No. 24/2015. The Division Bench of this Court on 16.07.2018 ordered

that the case of the petitioner before the Labour Court itself was at the outset was not maintainable on account of the non-depositing of the 50% of amount as is required under the provisions of the ESI Act and reserving the right of the petitioner to deposit the same the MA was disposed off.

3. Pursuant to the disposal of the MA on 16.07.2018, the petitioner approached the Insurance Court i.e. the Labour Court, Durg and deposited the 50% of the amount totaling Rs.18,90,303/- vide cheque dated 28.09.2018 and moved an application for rehearing of the matter and also to consider the case on its merit. The Labour Court vide its order dated 22.10.2018 has ordered for matter to be kept in abeyance till the original record of the original insurance case filed by the petitioner is received back from the High Court. The only apprehension of the petitioner is pending the requisition of record from the High Court to the Labour Court, the respondent No.1- Insurance Court may initiate coercive steps and recover the entire amount assessed against them. Hence the counsel for the petitioner makes a limited prayer that till the matter is subjudice before the Labour Court, the respondent No.1 may restrained from pursuing any coercive steps for the recovery of the balance of amount, if any.
4. The prayer made by the petitioner appears to be quite fair and reasonable. Admittedly as is revealed from the order of the Labour Court, the petitioner has already deposited 50% of the assessed amount i.e. Rs.18,90,303/-.
5. Given the said facts, since the 50% amount has already been deposited by the petitioner, ends of justice would meet if the

respondent No.1 is restrained from initiating any coercive steps against the petitioner for the recovery of the balance of amount till the matter is finally adjudicated by the Labour Court.

6. It is ordered accordingly that pending the matter before the Labour Court, the respondents would be restrained from initiating any recovery proceedings or for that matter any coercive steps for the recovery of the balance amount from the assessment under challenge.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved