

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL MISCELLANEOUS APPEAL No.645 OF 2018

JUDGMENT: (Oral, *Per* Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present Appeal, the appellant has challenged the order, dated 02.05.2018, passed in I.A. No.41 of 2018 in EIC (SR) No.635 of 2018 by the Chairman, Employees Insurance Court and Industrial Tribunal-I at Hyderabad (for short, 'the Tribunal'); whereby the application filed by the appellant-petitioner, to waive the condition of deposit of 50% of the amount of Rs.5,17,689/-, has been allowed by directing the appellant to deposit 30% of the disputed amount, as demanded by the 2nd respondent in the recovery order dated 01.09.2017, on or before 01.06.2018, failing which the Petition stands dismissed.

Learned counsel, appearing on behalf of the appellant, submits that the appellant closed its business in the month of June, 2013. Therefore, the appellant is not liable for payment of the amount, as demanded by the 2nd respondent.

When this Court put a specific query, to the learned counsel for the appellant, that whether the closing of the business was conveyed to the concerned authority, he replied that the information was given in the year 2016. Even as per the proceedings, he states that the business was standstill in the month of June 2013. Admittedly, the present Appeal is against an interlocutory order and the learned Tribunal has already given concession by reducing the alleged disputed amount from 50% to 30%. Therefore, we find no ground to interfere with the said order.

Finding no merit in the Appeal, the Civil Miscellaneous Appeal is dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

Date: 07-08-2018.
Dsh



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(Judgment of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)

Date. 07-08-2018

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