

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

421 (2 cases)

Date of Decision : 26.03.2018

1) FAO-2015-1996 (O&M)

M/s Suneel Theatre

..... Appellant

Versus

The Employees State Insurance Corporation

..... Respondent

2) FAO-2016-1996 (O&M)

M/s Sudhir Theatre

..... Appellant

Versus

The Employees State Insurance Corporation

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. C.M. Munjal, Advocate
 for the appellant(s).

Mr. H.S. Bhatia, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

Since the issues involved are same, both the appeals are decided by the common order. These two appeals have been filed against the orders of the Employees Insurance Court, Fazilka dated 26.09.1995 dismissing an application under Section 75 of the Employees State Insurance Act, 1948 moved by the appellant(s). Since only a limited issue is involved in the present appeal further detailed reference to the facts would not be necessary.

Brief facts of the case are that the respondent had inspected the premises of the appellant(s) twice and having found more than 20 employees on both the occasions had issued the computations and notice. The court found that the appellant(s) had not been able to prove the factual argument that in no point of time less than 20 employees were working by any record. The inspection report clearly shows otherwise. Further the court disbelieved the assertion that there was one person who was managing the canteen and the cycle stand. The court also found that no record was produced by the appellant(s) to show the number of employees who were on its rolls.

Counsel for the appellant(s) has not been able to satisfy the court on these aspects even today.

In the circumstances, no fault can be found with the orders of the court below. Appeals stand dismissed. No costs.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 26, 2018

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No