

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

429

FAO No.2330 of 1996 (O&M)
Date of Decision : 27.03.2018

M/s Dayalbagh Spinning & Weaving Mills

..... Appellant

Versus

ESI Corporation New Delhi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. H.N.Mehtani, Advocate
for the appellant.

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

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Employees' State Insurance Court, Amritsar dismissing an application under Section 75 of the Employees' State Insurance Act, 1948 (for short the 'Act') filed by the appellant in which the appellant had claimed that the respondents had wrongly included the over time paid as wages.

At the very outset learned counsel for the respondents states that this matter is covered against the appellant by the decision of the Supreme Court passed in *Indian Drugs & Pharmaceuticals Ltd. & ors. Vs. Employees' State Insurance Corporation & ors., 1997 (1) SCT379 (SC)*.

Learned counsel for the appellant is not in a position to cite any contrary judgment. He however, points out that after the filing of this

appeal in the year 2004 certain monies had been received from the parent organization-NTC towards clearing the ESI dues which as per him were transmitted to the respondents.

In the circumstances, it is held that the appellant would now be liable to pay only such money as may be due after setting off the payment if made.

Appeal stands dismissed.

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

(AJAY TEWARI)
JUDGE

27.03.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No