

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

375

FAO-2423-1997 (O&M)
Date of Decision : 22.5.2018

Employees' State Insurance Corporation

....Appellant

vs.

M/s GDPA Industries, through its partner Shri Yash Raj Aggarwal

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Adarsh Malik, Advocate
for the appellant.

Mr. C.B.Goel, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order dated 5.6.1992 passed under Section 45-A Employees Insurance Act, 1948 (for short 'the Act') and the judgment of the Employees' State Insurance Court, Jalandhar at the instances of the Employees' State Insurance Corporation allowing an application under Section 75 of the Act. Since a very limited issue is involved further detailed reference to the facts would not be necessary.

An application under Section 75 of the Act was filed by the respondent impugning an order under Section 45 of the Act. The same was allowed on the ground that the order was passed beyond limitation. Counsel for the appellant has relied upon the judgment of the Supreme Court passed in the matter of Employees State Insurance Corporation Vs. CC Santhakumar reported as 2007 (1) SCC 584. In that case the Supreme

Court had held that the bar of Section 77 of the Act applied only to an application moved before the Court and to no other proceedings.

In this view of the matter, the order of the ESI Court which is based on Section 77 of the Act has to be set aside. The appeal stands allowed and the impugned orders are set aside.

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

22.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No