

FAO No. 2497 of 2007 (O&m)

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

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**FAO No. 2497 of 2007 (O&m)
Date of Decision : 9.3.2018**

**Punjab State Civil Supplies Corporation Ltd. Through its Manager
....Appellant**

VS

Employees State Insurance CorporationRespondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Aman Chaudhary, Advocate
for the appellant.

Mr. Adarsh Malik, Advocate for the respondent.

AJAY TEWARI, J.(Oral)

The only contention raised in this appeal was that the appellant was exempted from the rigors of the Employees State Insurance Act. The stand of the counsel for the respondent is that the exemption was subsequently withdrawn. In the circumstances, this is just an accounting issue between the two public authorities.

I find that in the impugned order Employees Insurance Court has taken care of the concern of the appellant by stating as follows:-

“It is admitted fact that petitioner/applicant concern has written to the respondent authorities for exempting the person from recovery of the amount. But till now no action has been taken and nor they have been exempted from paying the contribution of the ESI. So, when the PUNSUP, has not been exempted from paying the amount. So no prima facie

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case is made out in favour of the applicant-petitioner. So, the applicant in hand stands dismissed. It is made clear that if the PUNSUP is exempted from paying the amount of contribution of the E.S.I., then ESI shall be duty bound to return the amount along with interest at the rate of 12% per month within 15 days from the order.”

Counsel for the respondent has accepted that not having filed any appeal they are bound by this order.

It is further clarified that in case the appellant is able to establish before the respondent that it is or was exempted from the provisions of the ESI Act it would not be liable to pay any contribution for that period and as mentioned in the impugned order if any recovery has been made from it the respondent would be liable to refund the amount with 12% interest from the date of recovery till the date of payment.

9.3.2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No