

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (L) NO. 186 OF 2019**

M/s. Indian Coffee Workers Cooperative Society Limited, A Co-operative Society Registered With the Registrar, Co-operative Society Having Its Registered Office At 592, Malviya Marg Jabalpur, Madhyapradesh, Through Its Hony. Secretary, Shri M.Prakashan, District : Jabalpur, Madhya Pradesh

---- **Petitioner**

Versus

State Of Chhattisgarh Through Principal Secretary, Labour Department Government Of Chhattisgarh Secretariat, Mahanadi Bhawan Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh

... **Respondent**

For Petitioner	:	Ms. Veena Nair, Adv.
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.08.2019

1. The present writ petition has been filed seeking a limited direction from the respondent so far as exempting the petitioner establishment from the applicability of the Employees' State Insurance Act, 1948.
2. The contention of the petitioner is that the petitioner is a co-operative society and it has got its own beneficial scheme applicable for its members who are working under the petitioner society and it does not have any employee as such.
3. The further contention of the petitioner is that, in the State of M.P., the petitioner society has been granted exemption invoking section 87 of ESI Act, 1948, similar prayer has been made by the petitioner from the State of Chhattisgarh as well. The first application was moved on 12.04.2016 and the reminder was again moved by the

petitioner on 22.07.2017. However, on both these application, no decision as such has been taken by the respondent.

4. Given the aforesaid factual matrix of the case, particularly, taking note of the exemption that the petitioner society has got from the State of Madhay Pradesh recently vide their notification dated 01.09.2018. This Court is of the opinion that, let the State of Chhattisgarh also take an appropriate decision on the application so far as was filed by the petitioner seeking exemption under section 87 of the Employees' State Insurance Act, 1948. If required the petitioner may also make fresh application in this regard.
5. It is expected that the respondent shall take a decision on the said application at the earliest preferably within a period of 3 months' from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed off. Sd/-

(P. Sam Koshy)
Judge

Jyotijha