

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL (ST.)NO.10838 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Anand Pai and Ms.Vaishali Shah I/b
M/s.Haresh Mehta and Co. for the appellant

Mr.Shailesh Pathak for the respondent no.1

**CORAM : K. K. TATED, J
DATE : MARCH 12, 2019**

P.C.:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 By this First Appeal, appellant is challenging the judgment and decree dated 31.12.2014 passed by Employees' State Insurance Court in Application No.10 of 2009.

3 Considering the submissions made by the learned counsel for the Applicant, the ground raised in the Appeal Memo and impugned order dated 31.12.2014, I am satisfied that the

appellant has made out a case for following order:

- a. Admit on the following question of law:
 - (i) Whether activity of appellant school providing food to students amount to a manufacturing process?
 - (ii) Whether provision of sub-section (4) of Section 1 of the ESI Act is applicable to the appellant school.?
- b. The Appellant to file private paper book within one year from today, with copy to other side, failing which First Appeal shall stand dismissed without further reference to the court.
- c. Printing dispensed with.
- d. Registry is directed to call R & P immediately.
- e. The learned counsel for the Respondent waives service.

(K.K. TATED, J.)