

C.M.P.No.369 of 2018 in C.M.A.No.SR90099 of 2017

T.RAJA, J.

Simpson & Group Companies Employees Co-operative Society Limited, Chennai, having suffered an order dated 31.3.2016 passed in E.I.O.P.No.141 of 2005 on the file of the Employees Insurance Court (Principal Labour Court), Chennai holding that the petitioner society is covered under the provisions of the ESI Act and that the petitioner is liable to make the contribution in terms of the order dated 4.5.2005 passed by the respondent, has come to this Court seeking to condone the delay of 503 days in filing the appeal.

2. Learned counsel for the petitioner/appellant requested this Court to condone the delay and to pass an order in the appeal by remanding the matter back to the respondent to dispose of the same in the manner known to law.

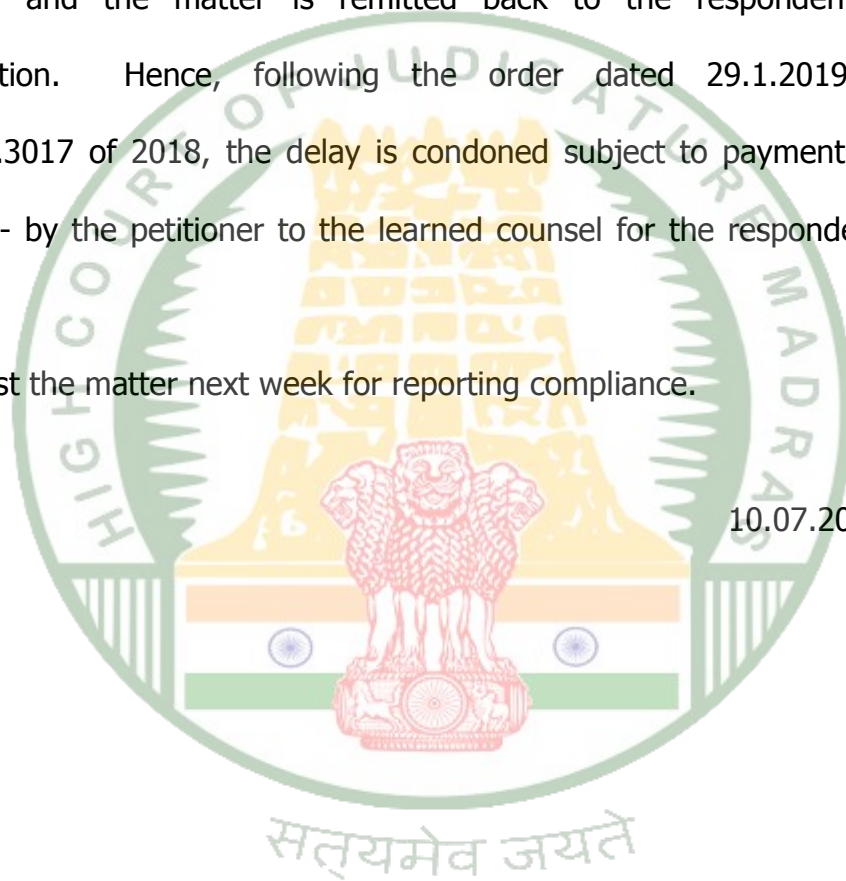
3. When this Court was hesitant to entertain the petition seeking condonation of a huge delay of 503 days, the learned counsel for the petitioner has produced the order dated 29.1.2019 passed in C.M.A.No.3017 of 2018, wherein a similar petition filed by the petitioner for condonation of delay was allowed and in the aforesaid appeal, this Court, taking note of the fact that the appellant was not given a reasonable opportunity to defend the case before the respondent-Corporation, allowed the appeal and remanded the matter back to the respondent to dispose of the same in the manner known to law. Therefore,

considering the fact that an identical order dated 31.3.2016 passed by the Court below in respect of the very same petitioner/appellant was already set aside by this Court on the ground that they were not provided with reasonable opportunity, no prejudice would be caused to the respondent if the delay is condoned and the matter is remitted back to the respondent for fresh consideration. Hence, following the order dated 29.1.2019 made in C.M.A.No.3017 of 2018, the delay is condoned subject to payment of costs of Rs.1,000/- by the petitioner to the learned counsel for the respondent within a week.

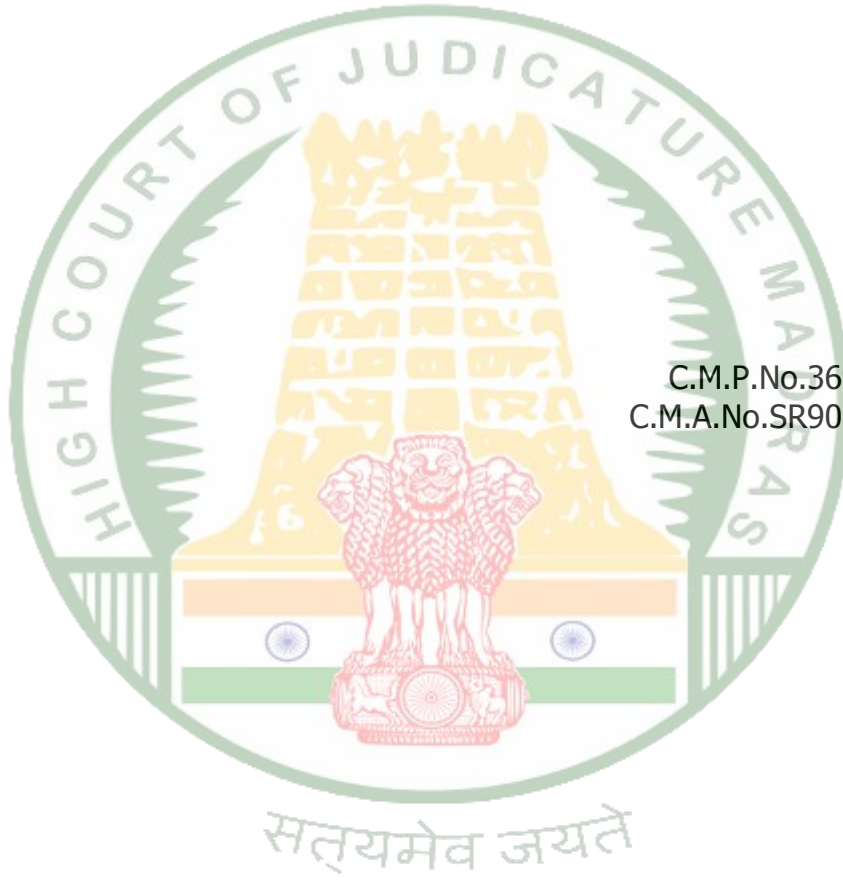
Post the matter next week for reporting compliance.

10.07.2019

SS



WEB COPY



C.M.P.No.369 of 2018 in
C.M.A.No.SR90099 of 2017

WEB COPY

10.07.2019