

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

W.P.No. 8332 of 2019

ORDER:

This writ petition is filed challenging the order dated 19.02.2019 passed by the 1st respondent invoking power under Section 45-A of the Employees' State Insurance Act, 1948 directing the petitioner to pay contributions of Rs.5,40,540/- from 01.02.2014 to 30.11.2018, which are finally determined as arbitrary and illegal.

Heard both sides and perused the material available on record.

The grievance of the petitioner is that ESI Act is not applicable to his case as there are six workers working in the hotel, which is less than 10 and it is a small hotel. He further contends that earlier when the respondents have issued similar proceedings, the same were challenged under Section 75 of the ESI Act before the Employees Insurance Court and Chairman Industrial Tribunal I, Hyderabad vide EIC No.3 of 2015 and the said proceedings were stayed.

Since disputed question of fact is involved in the matter, this Court cannot go into the merits of the case and it is for the appropriate forum to look into the matter and pass appropriate orders.

Having regard to the above, the writ petition is disposed of giving liberty to the petitioner to avail remedies available under law. The order dated 19.02.2019 stands suspended for a period of 15 days from today. Further, since the time granted by the Court below for payment of contribution is already elapsed, the petitioner

is permitted to approach the appropriate forum within (15) days time from today. No costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

T. AMARNATH GOUD, J

23.04.2019
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