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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2021
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A.No.488 of 2013
and
M.P.No.1 of 2013

M/s.PL Agro Technologies Ltd.,
Leslie House, 398,
Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

..Appellant

Vs.

The Employees State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai - 600 034.

..Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 82 of the Employees State Insurance Act, 1948 praying to set aside the judgment dated 25.04.2011 in E.I.O.P.No.445 of 2001 on the file of the ESI Court (Principal Labour Court), Chennai.

For Appellant : Mr.A.Venkatesh Kumar for
M/s.Gupta and Ravi

For Respondent : Mrs.Sujatha
for Mr.K.Prabakar

J U D G M E N T

The judgment dated 25.04.2011 passed in E.I.O.P.No.445 of 2001 is under challenge in the present Civil Miscellaneous Appeal.

2. Absolutely no substantial questions of law raised. The substantial questions of law narrated in the grounds of appeal is unambiguous which related to factual aspects. The substantial questions of law raised states that whether ESI Court committed an error in appreciating the documents and evidences produced by the appellant.

3. This Court is of the considered opinion that there was an adjudication by the Competent Authority under Section 45-A of the Act. An appeal was filed under Section 75 of the Act before ESI Court by the Appellant. The ESI Court elaborately considered the issues by affording an opportunity to the appellant. Appellant also defended his case. The findings of the ESI Court reveals that the appellant had not produced required documents and even Tribunal cross-examined the witness on behalf of the appellant and deposed that he has no



knowledge about the documents. Even after the demand, the appellant has not produced any documents and stated that he has no knowledge about the documents and no such documents were filed.

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4. The learned counsel for the appellant now states that the documents were filed and said documents were not considered by the ESI Court. If at all, the said statement is true, the appellant would have adjudicated the issues during the relevant point of time before the ESI Court itself. Contrarily, now before the High Court in an appeal under Section 82 of the Employees State Insurance Act, he cannot plead all such factual aspects.

5. Therefore, this Court is of an opinion that the appellant has not raised any substantial question of law which is acceptable for the purpose of considering the appeal any further. The findings of the ESI Court reveals that the issues were considered and the contribution made by the Competent Authority under Section 45-A of the ESI Act is in consonance with the principles and there is no infirmity as such.

6. This being the factum established, this Court is not inclined to entertain the appeal as there was no substantial questions of law raised and no further adjudication needs to be entertained with reference to the Section 45-A of the ESI Act.

7. Accordingly, the judgment passed in E.I.O.P.No.445 of 2001 dated 25.04.2011 stands confirmed and C.M.A.No.488 of 2013 stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. The appellant is directed to pay the contribution as per the order of the Competent Authority, within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The ESI Court (Principal Labour Court), Chennai.
2.The Employees State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai - 600 034.

+1cc to M/s.Gupta and Ravi , Advocate SR.No. 12273

+1 cc to Mr. K.Prabakar, Advocate Sr.NO. 12591(25.11.2021)

C.M.A.No.488 of 2013

A. SK (23.03.2021)