

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.529 of 2016

***Employees State Insurance
Corporation and others***

....

Appellants

Mr. Bibudhendra Dash, Advocate

-versus-

***M/s. Grid Corporation of Orissa Ltd
and another***

....

Respondents

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
13.10.2022**

Order No.

02. 1. The challenge in the present writ appeal is to an order dated 1st November 2016, passed by the learned Single Judge disposing of the O.J.C. No.11016 of 2000 by the Respondent- Grid Corporation of Orissa Limited (GRIDCO) assailing the demands made by the present Appellant for interest on the ESI dues.
2. The learned Single Judge came to the conclusion, on perusal of the pleadings that there was obviously some form of settlement between the parties on the payment of the ESI dues by GRIDCO. It was observed in para 5 of the impugned order as under:

“Now question remains undetermined in absence of any material support in the present case as to when the

settlement was arrived between the parties in the matter of principal so that the ESI Corporations may be entitled to any interest for the delayed payment of the principal. In spite of giving chance, the ESI Corporation is unable to throw any light through material document as to when the settlement was arrived at. The petitioner is also unable to throw any light as to when the settlement was arrived at.”

3. Since the question of interest remained in doubt, the learned Single Judge remitted the matter to the ESI Corporation to sit with GRIDCO and take a decision on the question of interest referring to the records and providing a chance of hearing to GRIDCO. In other words, all that has been done is to merely ask by the ESI to re-examine the matter after giving a chance to GRIDCO of a hearing. The Court is unable to find any prejudice being caused to the Appellant by virtue of the above direction. No grounds have been made out to interfere with the impugned order of the learned Single Judge.

4. The writ appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera