

S.S.Kilaje

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

**FIRST APPEAL (ST.) NO. 26482 OF 2019
WITH
INTERIM APPLICATION NO. 1015 OF 2019
IN
FIRST APPEAL (ST.) NO. 26482 OF 2019**

Regional Director
Employees State Insurance Corporation .. Applicant/Appellant
Versus
National Textile Corporation Ltd. .. Respondent

-
- None for the Applicant / Appellant
 - Ms. Meena H. Doshi for Respondent
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 19, 2022

P.C.:

1. None for the Applicant.
2. Heard Ms.Doshi for the Respondent. Interim Application No. 1015 of 2019 has been filed by the Applicant seeking condonation of delay of 222 days in filing the Memo of Appeal to challenge the judgment and order dated 17.11.2018 passed by the Employees Insurance Court at Mumbai in Application (ESI) No. 32 of 2012. The reasons for the delay have been stated in paragraph No.5 of the Application.
3. I have perused paragraph No.5 and I am convinced with the reasons therein for the delay to be condoned. Ms. Doshi, learned counsel for the respondent has however recorded her opposition for

considering the abnormal delay of 222 days and contended that the reasons are insufficient and vague and the application be dismissed. Admittedly, though the Application was served upon the Respondent in 2019, no reply has been filed by the Respondent to oppose the application. She submits that there was no reason for the Applicant-Corporation have reconsidered the decision of not to file the appeal against the impugned judgment in view of the settled law which is the subject matter of the *lis* between the parties.

4. Be that as it may, the substantial question will have to be adjudicated. In so far as Interim Application is concerned, considering the fact that the decision to file the First Appeal has to be taken at the administrative level by the concerned officers/ officials of the respondent-Corporation which is Government of India Undertaking, I am inclined to accept the reasons stated in paragraph No.5 and condone the delay.

5. In view of the above, Interim Application No. 1015 of 2019 stands allowed in terms of prayer clause (a). Delay of 222 days stands condoned.

6. Applicant shall number the First Appeal. List the First Appeal on **1st August, 2022** for “admission/hearing”.

[MILIND N. JADHAV, J.]

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