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IN THE HIGH COURT OF BOMBAY AT GOA

**CIVIL APPLICATION NO.209 OF 2019
IN
APPEAL UNDER E.S.I. NO.2 OF 2019**

SHWARDE
PHARMACEUTICALS
(INDIA) PVT. LTD., REP.
THR. ITS DIRECTOR,
ARVIND AMONKAR

....APPLICANT

Versus

THE DEPUTY DIRECTOR,
EMPLOYEE'S STATE
INSURANCE
CORPORATION, PANAJI
AND ANR.

....RESPONDENTS

Mr Arunkumar V. Nigalye, Advocate for the Applicant.
Mrs A. Agni, Senior Advocate with Mr Sagar Rivankar,
Advocate for the Respondents.

CORAM: M. S. SONAK, J.

DATE : 16th MARCH 2023

P.C. :

1. Mr Nigalye points out that 50% of the demanded amount has already been deposited as stated in paragraphs 2 & 3 of the stay application. This deposit was perhaps in compliance with the provisions of Section 75(2B) of the Employees' State Insurance Act, 1948.

2. By the impugned order, the Employees' State Insurance Court has dismissed the appellant's challenge to the best judgment assessment order. Therefore, if now the appellant seeks a stay, the appellant will have to deposit even the balance 50%.

3. Therefore, the impugned order/recovery in pursuance of the impugned order is stayed subject to the appellant depositing the balance 50% amount before the Authority within eight weeks from today. If no deposit is made within eight weeks from today, after due intimation to the learned Counsel for the respondents, this stay shall be deemed to have been vacated without further reference to this Court.

4. The civil application is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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