

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6507 OF 2023

Dattatraya Nirmal & Anr.

.. Petitioners

Versus

Employees State Insurance Corporation & Ors.

.. Respondents

-
- Mr. Mahadji Phalke for Petitioners
-

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 17, 2023

P.C.:

- 1.** Heard Mr. Phalke, learned Advocate for Petitioners.
- 2.** Present Petition takes exception to the order dated 26.07.2022 passed below Exhs. C-2 and C-5 filed by the Employees State Insurance Corporation, Pune (ESIC) seeking a restrain from execution and operation of the order passed under Section 45A of the Employees' State Insurance Act, 1948 until disposal of the main Complaint i.e. Application ESI No. 22 of 2019 which is pending before the Industrial Court, Pune filed by Respondent No. 4. Present Petitioners are partners of Respondent No. 4.
- 3.** I have perused the impugned order and I find no reason to interfere with the same in view of the reasons returned in paragraph Nos. 8 to 12 of the said order.

4. I find that the submissions made by Mr. Phalke that the case which has been *prima facie* considered while disposing of the Applications below Exhs. C-2 and C-5, *inter alia*, with respect to the closure of business and determination of the entire accounts of the closure of business pursuant thereto deserves consideration. In that view of the matter, I am not inclined to disturb the impugned order. The impugned order is sustained, subject to keeping all contentions of Petitioners open for consideration while deciding the main Application ESI NO. 22 of 2019.

5. It is directed that 50% of the amount i.e. Rs. 9,84,205/- shall be deposited by Petitioners within a period of three weeks from today. On the said amount being deposited and in view of the observations made herein above, I am directing the Industrial Court, Pune to hear and decide Application ESI No. 22 of 2019 within a time bound programme i.e. within 10 months from today strictly in accordance with law and thereafter pass a reasoned / speaking order.

6. It is made clear that none of the observations made today are based on merits of the matter. All contentions of parties in Application ESI No. 22 of 2019 are expressly kept open.

7. With the above directions, Writ Petition is disposed.