

Ghuge

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

FIRST APPEAL NO.825 OF 1995

Supertex (India) Corporation & Anr ... Appellants
V/s.
The Regional Director, Employees State
Insurance Corporation Mumbai and Anr ... Respondents

**WITH
INTERIM APPLICATION NO.20357 OF 2022
IN
FIRST APPEAL NO.825 OF 1995**

Saraf Chemicals Pvt. Ltd ... Applicant
In the matter between :-
Supertex (India) Corporation & Anr ... Appellants
V/s.
The Regional Director, Employees State
Insurance Corporation Mumbai and Anr ... Respondents

Mr. Naushad Engineer a/w Ms. Pooja Vasandani and
Mr. Tejas Popat i/b Rashmikanth & Partners for the
appellant.

Mr. Shailesh S Pathak a/w Jay Vora for
respondent/ESIC.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 27, 2023

P.C.:

INTERIM APPLICATION NO.20357 OF 2022

1. Leave to amend to substitute change of name of the appellant.
2. Necessary amendment to be carried out forthwith in the

Interim Application as well as in First Appeal.

3. Reverification is dispensed with.
4. The application is for restoration of the first appeal which has been dismissed for non prosecution.
5. For the reasons stated in the application, the Interim Application is allowed in terms of prayer clause (a) and (b).
6. No costs.

FIRST APPEAL NO.825 OF 1995

7. The appeal arises out of rejection of an application of waiver of 50% of the amount is required under Section 75 2(b) of Employees State Insurance Act, 1948. The 50% amount as required comes to Rs.5,75,487/- (Rupees Five Lakh Seventy Five Thousand Four Hundred and Eight Seven only). The appellant already deposited an amount of Rs.1,06,285/- (Rupees One Lakh Six Thousand Two Hundred and Eighty Five Only). The appellant is directed to deposit balance of Rs. 4,69,202/-(Rupees Four Lakh Sixty Nine Thousand Two Hundred and Two Only).
8. Since the appellant is ready to deposit the 50% of the amount. Therefore, nothing remains to be adjudicated in the appeal.
9. The First Appeal stands disposed of subject to appellant to depositing Rs. 4,69,202/-(Rupees Four Lakh Sixty Nine Thousand Two Hundred and Two Only) within a period of Four (4) weeks from today. The amount shall be deposited before the learned ESI Court, Mumbai.

10. It is made clear that such deposit shall be without prejudice to the legal rights of both the parties.

11. The learned ESI Court, Mumbai shall decide Application (ESI) No.59 of 1992 within a period of Six (6) months from today.

12. The First Appeal shall stand disposed of in the above terms.
No costs.

(AMIT BORKAR, J.)