

Santosh

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

WRIT PETITION NO. 1061 OF 2023

SANTOSH
SUBHASH
KULKARNI

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KULKARNI
Date: 2023.04.27
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Tata Motors Limited

...Appellant

Versus

Employees' State Insurance Corporation &
ors.

...Respondents

Mr. Kiran Bapat, Senior Advocate, a/w Rachit Bharwada, i/b
Haresh Mehta & Co., for the Appellant.

Mr. Sujeet Kurup, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED : 26th APRIL, 2023

PC:-

1. This petition assails the order dated 9th September, 2015 passed under Section 45-A of the Employees' State Insurance Act, 1948 ("the Act, 1948"), the order dated 12th January, 2016 passed by the Appellate Authority and the order dated 12th December, 2019 passed by the Employees' State Insurance Court at Pune rejecting the application for interim relief of stay to the first two orders and the application seeking waiver of the condition of deposit of 50% of the amount in accordance with the provisions contained in Section 75 (2-B) of the Act, 1948.

2. Mr. Bapat, the learned Senior Advocate for the petitioner, submits that the petitioner now desires to make the pre-deposit in terms of Sub-section (2-B) of Section 75 of the Act and

Application (ESI) No.8/2016 pending before the ESI Court be directed to be heard on merits.

3. The learned Counsel appearing for respondent Nos.1 to 3 submits that respondent Nos.1 to 3 are not averse to the aforesaid course of action.

4. Mr. Bapat submits that the petitioner would deposit 50% of the amount in terms of the provisions contained in Section 75(2-B) within a period of four weeks from today.

5. Subject to the deposit of the amount within the aforesaid period, the application under Section 75 shall be decided on its own merits and in accordance with law.

6. Mr. Bapat further submitted that while rejecting the application for stay and waiver of the statutory deposit, the learned Judge has made certain observations, especially in paragraphs 16 and 21 of the order, which may bear upon the determination of the main application.

7. Evidently, the aforesaid observations appear to have been made while determining the prayer for stay of the orders passed by the authorities under the Act and waiver of the statutory deposit. The ESI Court shall not be influenced by those observations in deciding the main application finally.

8. With the aforesaid clarification, the petition stands disposed.

[N. J. JAMADAR, J.]