



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.5106 of 2018

**Legaato Hair & Skin International (P) Ltd. Vs. The Assistant Director, Gujarat
Regional Office, Ahmedabad**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.J. Pathak, Advocate for the Petitioner/s
Ms B.P. Maladhure, Advocate for Respondent-Sole

CORAM : ANIL S. KILOR, J.
DATED : 11.09.2023

1. Heard.
2. The order dated 27.09.2012, registering the petitioner company under the provisions of the Employees' State Insurance Act, 1948 (for short "the Act of 1948") and the order dated 15.05.2018, determining the arrears under Section 45(A) of the Act of 1948 to the tune of Rs.2,90,219/ passed by the Assistant Director, Gujarat Regional Office, the Employees State Insurance Corporation, Ahmedabad, are under challenge in this writ petition.
3. At the outset, the leaned counsel for the respondent/ Assistant Director raised an objection to the tenability of the present writ petition on the ground of territorial jurisdiction.
4. It is submitted that in this matter the action was initiated by the Gujarat Regional Office in relation to the establishment at Ahmedabad in the State of Gujarat. The learned counsel for the respondent in support of her contention has placed reliance on

the judgment of the Division Bench of this Court in the case of *VSP Acqua Mist Fire PVT. Ltd., Nagpur Vs. Maharashtra State Electricity Transmission Company Ltd., Mumbai and others*¹.

5. On the other hand, the learned counsel for the petitioner submits that as the Head Office of the Establishment is at Nagpur and the notice was served at Nagpur, therefore, as the part of cause of action has occurred at Nagpur, this Court has jurisdiction. In support of his submission, he has placed a reliance on the judgment of the Hon'ble Supreme Court of India in the case of *Transport Corporation of India v. Employees' State Insurance Corpn. and another*².

6. There is no dispute about the law laid down in the case of *Transport Corporation of India* (supra) that, once the registered office or principal office is covered by the Act, all its branches in any part of the country would be covered by the Act. In the case at hand, it is the case of the petitioner that the petitioner is covered under the provisions of the Act of 1948 w.e.f. 01.06.2010 and the petitioner opened salons at CG Road, Ahamedabad and Pralhad Nagar, Ahamedabad and the benefits under the Act of 1948 were extended to the employees. However, the CG Road salon was shut down due to heavy losses in March 2011 and the Pralhad Nagar salon was shut down in December-2012 due to administrative reasons.

7. Thus, it is the case of the petitioner that the visit made by the Social Security Officer of Gujarat Regional Office of

1 2010(2) Mh.L.J. 575

2 AIR 2000 SC 238

Employees State Insurance Corporation, Ahamedabad on 04.04.2012 to the GC Road salon i.e. was to the closed establishment, and hence, the petitioner cannot be held responsible.

8. In short, it is the case of the petitioner that after March 2011, the CG Road salon was not run by the petitioner. Therefore, it cannot be said that the said CG Road salon was in supervision or ultimate control of the principal employer i.e. the petitioner establishment, whose head office is at Nagpur and therefore, the law laid down in the case of *Transport Corporation of India* (supra) will not apply to the present case because of the peculiar facts and circumstances of this case.

9. In the present matter, admittedly, the complete action which is under challenge was initiated and taken by the Gujarat Regional Office of Employees State Insurance Corporation at Ahamedabad. The salon which was visited is situated at Ahamedabad in the State of Gujarat. Thus, mere service of notice at Nagpur cannot be held that even the part of cause of action arose at Nagpur.

10. The Division Bench of this Court in the case of *VSP Acqua Mist Fire PVT. Ltd., Nagpur* (supra) has held that, receiving a notice at Nagpur, whereas all other events took place at Bombay, does not even furnish a part of cause of action at Nagpur and accordingly, it was held that the petitioner is not entitled to move petition before the Bench at Nagpur.

11. In the circumstances, the submission of the learned counsel for the petitioner that, only because he received the notice at Nagpur, it cannot be held that even the part of action arose at Nagpur. Hence, I am of the opinion that the present petition is not maintainable for want of territorial jurisdiction.

12. Accordingly, the writ petition is **disposed of** with liberty to the petitioner to file the same before the appropriate Court, if the petitioner so desires.

[ANIL S. KILOR, J.]