

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 454 OF 1996.

Sangli Krishi Utpana Samita

...Appellant.

Versus

Regional Director Employees State Insurance Corpn
And Anr.

...Respondents.

Adv. Meelan Topkar for the Appellant.
Mr. Sujeet Kurup for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : February 14, 2025.

P. C. :

1. The First Appeal has been preferred against the Judgment of the year Employees State Insurance Court dismissing the Application filed by the present Appellant under Section 75 of the Employees State Insurance Act, 1948 ("***E.S.I. Act***") challenging the coverage by the E.S.I. Corporation on the ground that the provisions of the E.S.I. Act are not applicable to the Applicant's Establishment.
2. The E.S.I. Court held that the provisions of the E.S.I. Act are applicable to the Applicant and therefore the Applicants are liable to pay the contribution as demanded to the E.S.I. Corporation.
3. Mr. Topkar, learned Counsel appearing for the Appellant would

very fairly submit that the Division Bench of this Court in the case of ***Dhule Agricultural Produce Market Committee vs. Employees' State Insurance Corporation***¹ has decided the issue in the case of *Dhule Agricultural Produce Market Committee vs. Employees' State Insurance Corporation (supra)* and after considering the provisions and the scheme of the APMC Act, have held that it is covered by the E.S.I. Corporation. He submits that the issue is therefore no longer *res integra*.

4. The only issue for consideration is as regards the coverage of the Sangli Krishi Utpanna Bajar Samiti under the E.S.I. Act on the ground of applicability of the said Act. The Division Bench decision in the case of *Dhule Agricultural Produce Market Committee vs. Employees' State Insurance Corporation (supra)* which has been fairly tendered by Mr. Topkar had examined the scheme of the APMC Act and had held that it was carrying on systematic, economic and commercial activity and rendered service and therefore covered under the definition of "shop" under the E.S.I. Act. The ratio of the said Judgment is clearly applicable to the facts of the present case.

5. In light of the above, the order of the E.S.I. Court dismissing the Application by holding that the Appellants are covered under the E.S.I. Act does not suffer from any infirmity.

1 2003-III LLJ.

6. Resultantly, First Appeal stands dismissed.

[Sharmila U. Deshmukh, J.]