

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 540 OF 2017
IN
FIRST APPEAL (St.) NO. 27120 OF 2016.

Employees State Insurance Corporation ...Appellant.

Versus

M/s. Savitribai Mahila Bakery Mal Utpadak Sahakari
Sanstha Maryadit, Solapur ...Respondent.

Mr. Shailesh Pathak for Appellant-ESIC.

Coram : Sharmila U. Deshmukh, J.

Date : 12th March, 2025.

P. C. :

1. Civil Application has been preferred seeking condonation of delay of 118 days caused in preferring the present First Appeal.
2. An Additional Affidavit has been filed on record. It is stated in Additional Affidavit that after the final order was passed by Employees' State Insurance Court on 23rd March, 2016, the authorities took decision to challenge the order by way of Appeal and on 16th May, 2016, file was forwarded to the Competent Authority for obtaining sanction.
3. On 28th July, 2016, the authorization was received to file the Appeal which was forwarded to the Regional Director of Mumbai who

suggested to obtain the opinion of the empanelled counsel appearing in the High Court. As the Counsel required the Trial Court proceedings, the same were called for and furnished to the counsel who thereafter, gave his opinion and subsequently, Appeal came to be filed resulting in delay of 118 days.

4. The Applicant, in the present case, is the Insurance Corporation and no single Officer can take a decision to challenge the order passed by the ESI Court without sanction from higher ups. In the present case, Paragraph No. 3 of the Additional Affidavit sets out in detail the permissions which were required to obtain and dates when the same were obtained. The Additional Affidavit offers sufficient explanation for delay of 118 days and therefore, the same stands condoned.
5. Interim Application is allowed.
6. List the First Appeal for 'Admission' on **26th March, 2025.**

[Sharmila U. Deshmukh, J.]