

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13532 OF 2024.

IN

FIRST APPEAL NO. 1642 OF 2024.

Munna Baijnath Gupta Proprietor of M/s. Vivek
Construction

...Appellant/
Applicant.

Versus

Employees State Insurance Corporation

...Respondent.

Mr. Aumkar Joshi for the Appellant.

Ms. Anita Bafna (Thr. VC) for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : March 5, 2025.

P. C. :

1. Interim Application has been preferred seeking stay of the impugned Judgment and order dated 26th June, 2024. The First Appeal is already admitted. Before the ESI Court the challenge was to the order dated 9th January, 2017 passed under Section 45-A of the Employees State Insurance Act, 1948 assessing the contribution at Rs. 2,29,250/- for the period 2011 to 2012. Subsequently the prohibitory order was passed which was also the subject matter of challenge as well as the recovery certificate. The Application came to be rejected leading to the filing of the present Appeal.

2. Learned Counsel appearing for the Applicant submits that

the contribution assessed under Section 45-A was Rs. 2,29,250/- and this Court has recorded that the Applicant has deposited a sum of Rs. 2,57,000/-. He submits that as more than the principle amount has been deposited pending the hearing and final disposal of the Appeal the execution of the impugned Judgment be stayed.

3. Learned Counsel appearing for the ESI-Corporation fairly does not oppose the Application in view of the fact that the Applicant has deposited more than the principle amount. As the proceedings arose basically out of the assessment of contribution under Section 45-A which assessed the contribution at about Rs. 2,29,250/- and it is not disputed that the Applicant has deposited a sum of Rs. 2,57,000/- the impugned Judgment dated 26th June, 2024 is liable to be stayed particularly considering that the appeal is of the year 2024 and is not liable to be taken up for hearing immediately.

4. In light of the above, the Interim Application is allowed in terms of prayer clause (a) and (b).

[Sharmila U. Deshmukh, J.]