

**HON'BLE SRI JUSTICE RAMESH RANGANATHAN**  
**And**  
**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

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**CIVIL MISCELLANEOUS APPEAL No.289 of 2015**

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**JUDGMENT:** (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard Sri G.Ravi Mohan, learned counsel for the appellant, and Sri B.G.Ravinder Reddy, learned Standing Counsel for the Employees State Insurance Corporation. The order, under challenge in this appeal, was passed by the E.S.I.Court, Hyderabad in I.A.No.39 of 2015 in S.R.No.280 of 2015 dated 25.03.2015 directing the petitioner to pay 30% of the demanded amount of Rs.38,49,581/-.

Sri G.Ravi Mohan, learned counsel for the appellant, would draw attention of this Court to the affidavit filed in support of I.A.No.39 of 2015 wherein details are furnished regarding the payments made by the petitioner from 18.10.2013 to 18.04.2014 for a sum of approximately Rs.33,00,000/-. Learned counsel would submit that, without taking into account the amount already deposited by the petitioner for around Rs.33,00,000/-, the E.S.I.Court has erred in directing the petitioner to pay 30% of the demanded amount of Rs.38,49,581/- i.e. for Rs.11,54,875/-.

Even in the order under appeal, the E.S.I.Court has recorded the petitioner's statement that they have been contributing the E.S.I. amount to the employees in the sub code number issued by the respondent authorities; and they had also produced challans with regards payments made

between 18.10.2013 to 18.04.2014. Despite having recorded that the challans were filed before it, the Court below has not even examined whether the amount paid by the petitioner, during the period from 18.10.2013 to 18.04.2014, is towards the demand raised by the E.S.I. Corporation, for it is only for the balance amount, if any due, does Section 75 of the Employees State Insurance Act, 1948 require the petitioner to deposit 50% thereof. As the E.S.I. Court has not arrived at the amount due and payable by the petitioner, after adjusting the amount already paid by them, we consider it appropriate to set aside the order and direct the E.S.I. Court to consider I.A.No.39 of 2015 afresh after giving an opportunity both to the petitioner and the respondents. The E.S.I. Court shall, while determining the 50% amount required to be deposited by the petitioner, give them credit for the amount, if any, paid pursuant to the demand notice dated 19.09.2014. The E.S.I. Court shall decide the I.A. with utmost expedition and, in any event, not later than two months from the date of receipt of a copy of this order. For a period of two months from today the respondents shall not take any coercive action against the petitioner herein.

The Civil Miscellaneous Appeal is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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**RAMESH RANGANATHAN, J**

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**M.SATYANARAYANA MURTHY, J**

30<sup>th</sup> April, 2015.

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