

THE HONB'E SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25650 OF 2017

ORDER:

The writ petition is filed questioning the rejection order dated 21.07.2017, passed by the Employees Insurance Court Chairman-cum-Industrial Tribunal-I at Hyderabad (for short, "the Tribunal").

It is the case of the petitioner that he had filed an appeal before the Tribunal challenging the order dated 03.08.2015 passed by the 1st respondent under Section 45-A of the Employees State Insurance Act, 1948 (for short, "the Act") directing the petitioner to pay a sum of Rs.96,525 for the period from 01.07.2010 to 31.03.2011 within a period of fifteen days from the date of the order, failing which the amount shall be caused to be recovered under Section 45-C of the Act. Along with the Appeal, the petitioner had also filed an Application in I.A.No.1096 of 2017 before Tribunal under Section 75(2B) of the Act seeking to waive or reduce the amount to be deposited along with the Appeal filed against the order dated 03.08.2015 and the same was rejected. Questioning the same, the present writ petition is filed.

Though there is a discretion vested with the Tribunal, the Tribunal did not take into consideration of the submission made by the petitioner to waive the deposit of 50% of demanded amount and failed to exercise the discretion which is vested in it. A perusal of the impugned order does not disclose that the Tribunal having considered the submission made by the petitioner with respect to the waiver of deposit of 50% of demanded amount.

In those circumstances, the writ petition is disposed of directing the Tribunal to number the Appeal filed by the petitioner subject to condition of the petitioner depositing a sum of Rs.40,000/- (Rupees forty thousand only) and the Appeal shall also be disposed of a expeditiously

as possible. Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:04.08.2017,
Gk.



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