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M.N. Dustur and Co. (P) Ltd. Vs Employee's State Insurance Corpn. and Others

Writ Petition (C) No. 6254 of 2005

Court: Jharkhand High Court

Date of Decision: Sept. 17, 2012

Acts Referred:
Employees State Insurance Act, 1948 â€" Section 37, 91

Citation: (2012) 09 JH CK 0094

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: I. Sinha, for the Appellant; A.K. Srivastava and R. Raj, for the Respondent

Judgement

Aparesh Kumar Singh

1. Learned counsel for the petitioner submits that the grievance raised in this writ petition is for quashing the order dated 26.9.2005/3.10.2005,

whereby and whereunder the petitioner has been directed to pay a sum of Rs. 24,19,410/- towards contribution for the period 1998-2005 without

affording the petitioner a reasonable opportunity of hearing and without deciding the application filed by the petitioner for exemption u/s 37 read

with Section 91 of the Employee"s State Insurance Act, 1948. According to the counsel for the petitioner, the issue in relation to grant of

exemption to the petitioner-company also for the period 1998-2005, involved in the present writ petition, was raised in WP(C) No. 1494/2012.

This Court vide order dated 23rd July, 2012 has remanded the matter to the Principal Secretary, Labour, Employment and Training Department,

Government of Jharkhand, for hearing the parties afresh and disposing of the petitioner"s application by a reasoned order in accordance with law

within a period of three months from the date of receipt of a copy of the order. Learned counsel for the petitioner submits that it also includes the

same period, therefore, this writ petition may be adjourned for a period of three months awaiting outcome of the exercise directed to be

undertaken by the Principal Secretary, Labour, Employment and Training Department, Government of Jharkhand.

2. Learned counsel for the respondents however, objects to the same.

3. Learned counsel for the petitioner further submits that in view of the previous interim order the petitioner has already deposited a sum of Rs.

15.00 lacs against the said demand. In any case, since the demand itself relates to part of the period in which the claim for exemption of the

petitioner is pending consideration because of the order passed in WP(C) No. 1494/2012, let this case appear after three months.