Employees'' State Insurance Corporation Vs Steelco Products, Proprietor Empee Enterprises (Private) Ltd.

Court: Calcutta High Court

Date of Decision: Dec. 16, 2003

Acts Referred: Employees State Insurance (General) Regulations, 1950 â€" Regulation 31A
Employees State Insurance Act, 1948 â€" Section 39(5)

Citation: (2004) 2 LLJ 180

Hon'ble Judges: Amitava Lala, J

Bench: Single Bench

Advocate: Subol Moitra, for the Appellant;

Judgement

Amitava Lala, J.
The order passed by the appropriate Judge of Employees'' Insurance Court is as follows:

That the case is dismissed on contest without costs. The applicant is liable to pay the claimed amount including interest up to March 23, 1990 as

indicated above less the amount deposited as security to the tune of Rs. 3,100. The applicant company is given liberty to make payment of the said

claimed amount in three equal instalments within six months from the date of this order.

2. While considering such matter under Article 227 of the Constitution of India, I find that pursuant to Section 39(5) of the Employees'' State

Insurance Act, 1948, and as per Section 31, of the Employees'' State Insurance (General) Regulations, 1950, that the insurance amount as

specified therein will have to be paid till the date of actual payment.

3. Therefore, it can be safely construed that the entire dues are liquidated by virtue of the necessary implication of such provisions.

4. Hence, the order restraining the payment of interest up to March 23, 1990 by the Court is in excess of the jurisdiction, and accordingly is

modified by saying that such order will be effective but subject to payment of interest up to last day of actual payment.

5. Thus the application under Article 227 of the Constitution of India stands disposed of.

6. No order is needed to be passed as to costs.

7. Urgent xerox certified copy of this order be given to the petitioner within a period of fortnight after putting necessary requisites.