

EXPARATE ORDERS ON I.A.I And II

IA No.I filed by the Applicant to stay the operation of the Order of the Respondent dated 21.01.2022 at Annexure A, passed under Section 45-G of the ESI Act claiming amount Rs.5,97,014/- till disposal of the main Petition.

IA No.II filed by the Applicant under Section 75(2-B) of ESI Act to waive off the amount to be deposited under Section 75(2-B) of ESI Act.

The Applicant is a Nursing home and a proprietary concern, which was run by one Dr.A.C.Munivenkate gowda and he expired on 03.03.2019. On 21.01.2022 garnishee order was issued by the respondent to the applicant and other various persons, who are no way concerned to the business of the applicant. They are not the owners of the applicant hospital but, only legal representative of deceased A.C.Muniveeregowda who was the proprietor of the applicant hospital. Due to age factor, said Muniveeregowda had given the said hospital on rent to one M/s Dhanvantri group, Hassan and it had engaged its own employees and obtained code numbers under ESI and PF Act. The said applicant has paid contribution without any default. After the death of Munivenkategowda his son Vasantha Madhava was only collecting the rent on his behalf. The said order issued without giving any opportunity to the applicant. The Applicant has never engaged 10 employees and never covered under ESI Act. If the Order passed by the Respondent is not stayed, the Applicant will suffer great hardship and loss and also prayed the amount to be deposited may be waived. Hence, prayed that IA No.I and II may be allowed.

Heard.

Perused the Records. The Applicant has filed the above case to set aside the Order passed by the Respondent under Section 75(1) (g) of ESI Act. As interim relief, the Applicant has sought for stay of impugned Order passed by the Respondent and to waive the amount

to be deposited under Section 75(2-B) of the ESI Act. The Applicant has stated that it is a Nursing home and a proprietary concern, which was run by one Dr.A.C.Munivenkate gowda and he expired on 03.03.2019 and the hospital was rented to one M/s Dhanvantri Group Hassan and son of Munivenkategowda was collecting the rents. The respondent has not given opportunity to put forth his case. The applicant never engaged 10 employees. The applicant establishment is not covered under ESI Act. The said order is not maintainable.

If Order passed by the Respondent is not stayed, the purpose of filing the above case will be defeated. No hardship will be caused to the Respondent if the Order passed by the Respondent is stayed. Hence, it is just and necessary to grant relief to the Applicant as follows;

ORDER

Order passed by the Respondent dated 21.01.2022 at Annexure A passed under Section 45-G of the ESI Act claiming total Rs.5,97,014/- Act is stayed subject to condition;

1) The Applicant has to deposit Rs.1,50,000/- in respect of demand made for Rs.5,97,014/- within 15 days from the date of this order with the Respondent Corporation.

Issue Notice on Application, IA No.I & II and copy of stay order to the Respondents through RAPD if Applicant deposits the amount as per the Order.

Call on 30.03.2022.

**JUDGE,
ESI Court, Mysuru.**