

**INTERIM ORDERS ON I.A.I & II**

The applicant has filed main petition to set aside the Orders passed by the Respondent on 14.12.2017 in the interest of justice. Along with the main petition, the applicant has filed two interim applications for the relief of stay in respect of impugned orders and to waive-off the amount to be deposited by him as per the said orders of the Respondent.

It is stated that though the applicant had obtained Code Number for 10 employees, but actually he engaged 7 employees in his establishment and has paid ESI contribution for said 7 employees on roll. It is stated that though the Respondent has admitted the same in the impugned orders dated 14.12.2017, but, he has further directed the applicant to pay Rs.33,317/- pertaining to the period from 01.04.2016 to 31.12.2016 and Rs.40,459/- pertaining to the period from 01.01.2017 to 30.09.2017 without any rational basis. The applicant is alleging that the impugned order is arbitrary and he is not liable to pay the claimed amount.

The applicant has produced copy of the Muster roll and Register of Wages of his establishment pertaining to the month of April 2016 to April 2017 in support of his pleadings. The said documents indicate that during the said years, there were only 7 employees in his establishment. It is noticed that in the impugned order, the Respondent has observed about, declared 10 employees of the Applicant. Since the 10 employees were not actually working as per the documents produced by the applicant, at this stage, I am convinced to pass interim order on I.A.I & II. Since the matter in dispute between the parties could be determined after the appearance

of the respondents, till then, I am of the view that conditional Stay Order could be passed in favour of the applicant. With above observations, I proceed to pass the following-

**ORDER**

The impugned Order passed by the Respondent on 14.12.2017 is hereby stayed till next date of hearing subject to depositing of 50% of the ordered amount by the Applicant before the respondent, within 15 days from today.

If the applicant fails to deposit the above said amount, he is not entitled for the benefit of this Order.

Issue notice on main petition & I.A.No.1 and II to the Respondent along with the Stay Order through R.P.A.D.

For appearance of the Respondent, Call on: 17.08.2024.

sd/-  
**JUDGE,**  
**ESI Court, Mysuru.**