

### **ORDERS ON I.A. Nos.I & II**

IA No.I filed by the Applicant under Section 75(G) of ESI Act to stay the operation of the Orders of the Respondents (i.e., Annexure - A, Annexure - A-1 and Annexure - D), calling upon the Applicant to pay total contribution sum of Rs.5,43,319/-, till disposal of the Main Application.

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

In the Affidavits accompanying the above said IAs, the Applicant has stated that during 2012 he was temporarily working at Labour office, Mysuru and during the said period, in order to have his own business, obtained Labour Contract Licence to supply man power and obtained ESI code. Thereafter, he could not succeed in getting any contract work and as such his establishment could not takeoff. The Applicant is a Law Graduate, hence, he started his practice as an Advocate at Bengaluru. The

**ESI.A. No.24/2021**

applicant has not received the show cause notices issued by the respondents. The respondent Corporation has passed two separate orders dated 06.03.2018 under Section 45-A of the Act for recovery of amount for the period from 01.04.2013 to 31.12.2016 and for the period from 01.01.2017 to 30.11.2017 respectively. The Applicant submitted a letter to the Labour Inspector, T.Narasipura Circle, Mysuru requesting to cancel his Registration Certificate as he is not doing any labour contract services and also replied to the notice of ESI Corporation dated 09.07.2018 stating that he has closed the said establishment long back as such he is not liable to pay any contribution. The Respondent No.2 has also issued a show cause notice of arrest warrant dated 28.06.2021 determining the contribution of Rs.5,43,319/- against the applicant. Hence, prayed to stay the Orders of the respondent and also to waive off the deposit to be made under ESI Act.

Perused the records. The applicant contends that his establishment has been closed and he is not liable to pay the contribution amount and the respondent has not calculated the amount properly. At this stage, if the order of the respondents is not stayed the very purpose of filing this petition will be defeated. No hardship will be caused to the respondent if the orders are stayed. Taking into consideration the facts and circumstances of the case, it is just and necessary to grant relief to the Applicant. As such,

**ESI.A. No.24/2021**

the Order passed by the Respondent is liable to be stayed.  
Accordingly, I pass the following,

**ORDER**

**Orders passed by the respondents (i.e., Annexure - A, Annexure - A-1 and Annexure - D) are stayed subject to the condition that the Applicant shall deposit Rs.1,50,000/- [One Lakh Fifty thousand only] with the respondent corporation within Fifteen days from the date of this order.**

**Issue Notices of Application, IA-1 & 2 and Copy of Stay Order to the respondent through RPAD, returnable by:07.10.2021.**

**Judge,  
ESI Court, Mysuru.**