

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4881 of 2023****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2023****In R/FIRST APPEAL NO. 4881 of 2023**

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M/S SARABHAI CHEMICALS**Versus****THE DEPUTY DIRECTOR (I/C)**

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Appearance:**MR NISARG DESAI for GANDHI LAW ASSOCIATES(12275) for the****Appellant(s) No. 1,2****for the Defendant(s) No. 1,2**

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 05/12/2023****ORAL ORDER****Order in Appeal:-**

Heard Mr. Nisarg Desai, learned advocate for the appellants. He has referred to the judgment passed by this Court dated 25.10.2023 in First Appeal no.4312/2023 and has submitted that over and above the binding judgments, the ESI Court was required to consider other circumstances as pleaded to interpret the provision of Section 85B of the ESI Act. He further submitted that Special Civil Application no. 1853 of 2023 was moved against the interim order and is yet for final hearing, wherein the notice was issued by order dated 9.2.2023, inspite of that, the impugned order dated 10.10.2023 came to be passed.

Considering the submissions made, ADMIT.

Order in Civil Application:-

Rule returnable on 16.1.2024.

Advocate Mr. Nisarg Desai has stated that by a communication dated 4.12.2023, the Punjab National Bank has referred to the attachment order no.38/RPC/CP4/CP2/38000055250000301 dated 27.11.2023 for recovery of Rs.64,01,182.00 from the account and in view of the attachment order, the Bank has deposited Rs.5,81,073/- from the account on 30.11.2023. Advocate Mr. Desai submitted that a Demand Draft has already been issued. In view of the same, there shall be interim relief in terms of Paragraph 13a) and b).

(GITA GOPI,J)

Maulik