



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1260 OF 2015
IN
FIRST APPEAL NO.194 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.Ashish Kamat i/b Mr.Sanjay S. Gawade for the applicant

CORAM : K.K.TATED, J.
DATED : 06/04/2015

PC:

- 1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.
- 2 The learned counsel for the applicant undertakes to file affidavit of service within one week from today. Undertaking is accepted.
- 3 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 4 The learned counsel for the applicant submits that by this First Appeal they are challenging the judgment dated 20.12.2014 passed by Employees' Insurance Court, Maharashtra, Mumbai in Application (ESI) No.52 of 2003.



5 The learned counsel for the applicant submits that initially they preferred Civil Application No.637 of 2015 for stay of the order passed by the Trial Court as well as prohibitory order dated 10.2.2015. At that time, this court by order dt.16.2.2015 granted ad-interim order on condition that applicant to deposit 50% amount in this court. He submits that before passing order dt.16.2.2015 by this court in Civil Application No.637 of 2014 respondent Corporation by their letter dt.13.2.2015 withdrew the prohibitory order dt.10.2.2015. He submits that thereafter the respondent again issued prohibitory orders dated 20.3.2015 and 27.3.2015 and order dated 31.3.2015 for recovery of Rs.47,78,693/- declaring garnishee as deemed defaulter u/s.45G (3) (x) of the ESI Act, 1948.

6 The learned counsel for the applicant submits that up to today they have already deposited sum of Rs.8,58,620/- at the time of filing appeal before the Employees' Insurance Court. He further submits that thereafter respondent Corporation recovered sum of Rs.9,66,866/- from their Indian Overseas Bank on 30.3.2015.

7 It is to be noted that though respondents are duly served no one appeared on behalf of them when the matter was called out.



8 Considering the submissions made by the learned counsel for the Applicant, in the interest of Justice, following order is passed:

- a Rule.
- b Rule made returnable after 4 weeks.
- c Prohibitory orders dated 20.3.2015 and 27.3.2015 and order dated 31.3.2015 u/s.45G (3) (x) of the ESI Act, 1948 is stayed on the condition that applicant to deposit sum of Rs.6.0 lacs in the Registry of this court within one week from today, failing which Civil Application shall stand dismissed without referring back to the court.
- d Stand over for four weeks.
- e Till next date, respondent Corporation are restrained from taking coercive steps against the applicant as per the judgment dated 20.12.2014 passed by Employees' Insurance Court, Maharashtra, Mumbai in Application (ESI) No.52 of 2003.

(K.K.TATED, J.)