



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) NO. 18907 OF 2021
WITH
INTERIM APPLICATION NO. 2338 OF 2022

Sadanand Sheena Banger, Proprietor of M/s. Sai Art Printers, MumbaiAppellant/Applicant

Versus

The Regional Director,
Employees State Insurance Corporation,
Mumbai & Anr.Respondents

Mr. Sahil Sayyed a/w. Mr. Lavanya Panickar for the Appellant/Applicant.
Mr. Saurabh K. Raut i/by Mr. Anand Kulkarni for Respondent No. 1.

CORAM : JITENDRA JAIN, J.
DATED : 24th MARCH 2026

P. C. :

1. This appeal is filed under Section 82 of the Employees' State Insurance (ESI) Act, 1948. The appeal is maintainable only on substantial question of law. Though, no substantial question of law has been raised in the appeal memo, on a perusal of the impugned order, following issue would arise :-

Q.) Whether the Employees' State Insurance (ESI) Court was justified in coming to a conclusion that the appellant has not discharged its onus of employing less than 10 workers during the period from July 2009 to 2013 ?



2. In this case, learned counsel for the appellant states that they had made an application for registration under Employees' State Insurance (ESI) Act on the premise that they would be getting a government contract, which requires minimum 10 workers to be employed and the establishment to be registered with Employees' State Insurance (ESI) authorities. However, after applying for registration, the appellant did not get the order from the government authority and, therefore, it was decided by the appellant not to continue with the excess workers, which was specifically employed to meet the requirements of the tender. However, this was not accepted by the Employees' State Insurance (ESI) authorities and, therefore, order came to be passed, which was challenged before the Employees' State Insurance (ESI) Court.

3. In paragraph 18, the Employees' State Insurance (ESI) Court has recorded that it is not disputed that the applicant firm has not informed the said fact to the opponents by writing a letter. It is further stated that, though applicant firm received Employees' State Insurance (ESI) Code number, the firm has not informed the Employees' State Insurance (ESI) Corporation that it has employed less than 10 employees are covered under the provisions of the Employees' State Insurance (ESI) Act and not prayed for cancellation of the Employees' State Insurance (ESI) registration. It is also not disputed that no reply to Employees' State Insurance (ESI) C-18 notice was filed. The Employees' State Insurance (ESI) Court has rendered a specific finding that the firm has failed to discharge its onus by not producing the evidence as to how many employees were employed during the period from July 2009 to 2013.

4. There is also a finding that no records were maintained. It is also important to note that the appellant has been taking the proceedings of



Employees' State Insurance (ESI) very leniently by not complying with various notices. In paragraph 18, various admissions have been recorded on this aspect.

5. In my view, these are pure questions of fact and does not raise any substantial question of law. If the case of the appellant is that they had filed a letter for cancellation, but there is a wrong finding recorded by the Employees' State Insurance (ESI) Court, then appropriate course of action would be to make an appropriate application to the Employees' State Insurance (ESI) Court for rectification. However, no such application is made. This Court cannot go into factual aspects in an appeal, which is required to be considered only on substantial question of law.

6. In view of above, in the absence of any question of law, appeal is dismissed.

7. Appeal is dismissed in above terms.

8. Consequently, Interim Application does not survive and is disposed of accordingly.

[JITENDRA JAIN, J.]