



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.854 OF 2014

Employees State Insurance Corporation ...Appellant

Versus

M/s. A.T.C. (Clearing & Shipping) Pvt. Ltd. ...Respondent

Mr. Shailesh S. Pathak for the Appellant-ESIC.

CORAM : JITENDRA JAIN, J.

DATE : 1 DECEMBER 2025

P.C.:

1. The original appeal was admitted on 29 January 2016, but substantial questions of law were not framed.

2. Mr. Pathak states that the following substantial questions of law arises and same has been admitted in First Appeal No.135 of 2015.

(i) Whether provision of Section 85-B of the Employees' State Insurance Act, 1948 authorizing the Corporation to recover damages is mandatory or directory?

(ii) Whether the ESI Court has jurisdiction to waive damages ?

3. On the next occasion, the Court will adjudicate upon the above substantial questions of law.

4. List the present appeal along with First Appeal No.135 of 2015.

[JITENDRA JAIN, J.]