



CMA No.1090 of 2023

C.M.A.No.1090 of 2023

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N.MALA, J.,

Heard Mr.S.Haroon, learned representing counsel appearing for the appellant.

2.Upon hearing and on a perusal of the substantial questions of law proposed by the appellant, this Court is inclined to admit this Civil Miscellaneous Appeal on the following Substantial Question of Law:

"1. Whether the ESI Corporation was justified in making demand in terms of C-18 adhoc notice randomly for 51 employees in the absence of any prior inspection held in terms of Section 44 of the ESI Act, 1948?

2. Whether the order passed under Section 45A of the ESI Act would be in consonance with the law laid down by this Hon'ble Court reported in 2004 (2) LLN 1072?

3. Whether the order of ESI Corporation passed without affording sufficient opportunity to the Appellant is contrary to the provisions of Section 45 of the ESI Act?

4. Whether the ESI Court was justified in shifting the burden on the Appellant to disprove the case of ESI Corporation in the absence of ESI Corporation adducing positive evidence and proving the demand?

5. Whether the ESI Corporation will be justified in claiming

contributions on the basis of wages assumed by themselves and

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for certain number of employees assumed by them to be the employees of the Appellant for a particular period in the absence of any records before them?"

Post the appeal on 21.06.2023.

01.06.2023

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01.06.2023