



WEB COPY

CMA NO. 164 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

CMA NO. 164 of 2025

M/s. Srinivas Waste Management Services Pvt Ltd
F3, Harmony Enclave, 8 MP Avenue, Abbusali Street, Saligram,
Chennai 93

Appellant(s)

Vs

The Additional Commissioner
Employees State Insurance Corporation, Panchdeep Bhavan, 143,
Sterling Road, Chennai 34

Respondent(s)

For Appellant(s):

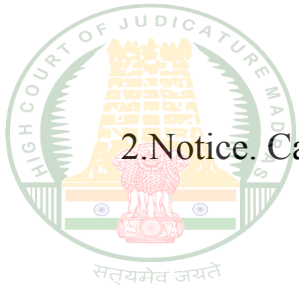
Mr. Haroon Al Rasheed For
Agam Legal

For Respondent(s):

ORDER

This appeal is admitted on the following substantial questions of law:

- i) Whether the order under Section 85B imposing damages should be fastened on the employer, despite the existence of extraordinary circumstances?
- ii) Whether the order of the ESI Court sustaining the Section 85B order passed by the Respondent in part is in conformity with the law laid down by the Hon'ble Supreme Court in the judgment reported in 1994 Supp (3)-SCC-Page 690, despite the Court below taking the same into consideration?
- iii) Whether the rates/ percentages specified in Regulation 31 of ESI Regulations could be regarded as the benchmark and can it be construed that ESI court had no power to reduce damages below the prescribed percentage?



2. Notice. Call for the records within eight weeks.



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To

1. The Additional Commissioner

Employees State Insurance Corporation, Panchdeep Bhavan, 143,
Sterling Road, Chennai 34

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