



of Judicature at Calcutta passed in G.A. No. 1820 of 2004  
in APOT No. 595 of 2003.

The facts have been stated in the impugned judgment  
and hence we are not repeating the same here.

The question in this case is whether a diagnostic  
centre attached to a hospital is covered by the ESI Act.  
The Division Bench of the High Court has held that it does  
not carry on any manufacturing process but in view of the  
Circular (Annexure G to the writ petition), the ESI Act  
will apply if the hospital caters to the needs of the  
outsider patients. Thereafter, a notification was issued  
on 30th November, 2005 making the ESI Act applicable from  
1.8.2006.

In view of this, without going into the controversy,  
we are of the opinion that ESI dues can only be recovered

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from the period 1st August, 2006 onwards and not before  
that. The impugned judgment of the High Court is modified  
to this extent.

The Appeal is disposed of accordingly. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
AUGUST 03, 2010

.....J.  
[T.S. THAKUR]