

S U P R E M E      C O U R T   O F      I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6260/2007

(From the judgement and order dated 11/07/2006 in      APP No. 38/2004  
of The HIGH COURT OF KERALA AT ERNAKULAM)

REGIONAL DIRECTOR, ESIC & ANR.

Petitioner(s)

VERSUS

INNOVATIVE MARINE FOODS LTD.

Respondent(s)

With prayer for interim relief and office report )  
(For final disposal)

WITH SLP(C) NO. 12631 of 2007  
(With office report)

Date: 05/04/2010      These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MR. JUSTICE C.K. PRASAD

For Petitioner(s)      Mr.    V.J. Francis,Adv.  
   Mr.    Anupam Mishra, adav.  
   Mr.    Jenis V. Francis, Adv.  
   Mr.    B.K. Mishra, Adv.

For Respondent(s)      Mr. Ritin Rai, Adv.  
   Mr. Siddhartha Jha, Adv.  
   Mr. V.K. Monga,Adv.  
  
   Mr. M.T. George, Adv.  
   Ms. Smitharani M.R., Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.  
The appeals are allowed in terms of the  
signed order.

(NEETU KHAJURIA)      (MITHLESH GUPTA)  
SR. P.A.      Court Master  
(Signed order is placed on the file.)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3151 OF 2010  
(Arising out of SLP (C) No.6260 of 2007)

REGIONAL DIRECTOR, ESIC & ANR.

Appellants

VERSUS

WITH

CIVIL APPEAL NO.3152 OF 2010  
(Arising out of SLP (C) No.12631 of 2007)

O R D E R

Leave granted.

Heard counsel for the parties.

The High Court dismissed the appeals by a very brief order merely referring to its Full Bench decision in ESI Corpn. Vs. Excel Glasses [2003(3)KLT 42]. The Full Bench decision of the High Court in Excel Glasses Limited was disapproved by this Court in ESI Corpn. Vs. C.C. Santhakumar, (2007) 1 SCC 584.

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These cases, therefore, must go back to the High Court for fresh consideration in light of the decision in ESI Corpn. Vs. C.C. Santhakumar, and we order accordingly.

These appeals are, accordingly, allowed to this extent.

.....J.  
(AFTAB ALAM)

.....J.  
(C.K. PRASAD)

NEW DELHI,  
05TH APRIL, 2010.