

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6047 OF 2008

SHIKSHAK SAHAKARI BANK LTD. & ANR. Appellant(s)

VERSUS

E.S.I CORPORATION & ANR. Respondent(s)

O R D E R

Heard learned counsel for the appellants and learned counsel for the Reserve Bank of India-respondent no.2. Learned counsel for respondent no.1, E.S.I. Corporation is absent.

As per office report dated 31.08.2015, learned counsel for the appellants has on 25.07.2015 filed an application for grant of permission to bring

subsequent events on record and file additional documents on record. Since the same is defective for the reason that it has not been served on the other side, it is not numbered/registered. Though the same is defective, the Registry is directed to register the same in the interest of justice. Further, I.A. No. 1/2015, an application for impleadment to implead the applicant as respondent no. 3 has also been filed, which is allowed.

Learned counsel for the appellants has invited our attention to the information secured, under the Right to Information Act, from the Sub-Regional Office, E.S.I. Corporation, Panchdeep Bhawan, Ganeshpeth, Nagpur, which is annexed as Annexure A-3, in respect of ESI Case No. 28/2004 and 30/2004, which were decided on 19.11.2004 and 01.03.2007 respectively, in favour of E.S.I. Corporation. He submitted that respondent no. 1 issued notice under Section 45G(3) of E.S.I. Act to appellant no. 2 stating that "Principal employer of M/s Hotel Shivraj and/or Vishwanath Gupta", who is account holder of the appellants bank, has not paid the E.S.I. contribution

to the E.S.I. Corporation, which is payable for the employee employed by him. The non-furnishing of the amount has been sought by the E.S.I. Corporation by the appellants Bank. The Reserve Bank of India, respondent no.2 has deducted and remitted the amount payable to the E.S.I. Corporation from the account of the appellants Bank towards the amount demanded and determined against the employee under the provisions of the E.S.I. Act. It is further brought to our notice that as per the information received under the Right to Information Act referred to supra, nothing is due from the employer against whom the proceedings were initiated under Section 45G(3) of the E.S.I. Act. The above documents prove that the amount of Rs.1,62,768/- which was due to respondent no. 1 from M/s. Shivraj Bhojanalaya and M/s Hotel Shivraj stands recovered by respondent no. 1 and hence, now no amount is due from M/s. Shivraj Bhojanalaya and M/s Hotel Shivraj.

In view of the above, the appellants are entitled to get back the amount with accrued interest, if any, from the E.S.I. Corporation, which has been deducted

and remitted by the Reserve Bank of India from the account of the bank. Accordingly the unregistered I.A. is allowed. Consequently, the appeal stands disposed of in the aforesaid terms and directions to the E.S.I. Corporation to pay back the amount with accrued interest to the appellants Bank within six weeks from the date of receipt of the copy of this order.

.....J.  
(V. GOPALA GOWDA)

.....J.  
(ADARSH KUMAR GOEL)

NEW DELHI,  
SEPTEMBER 01, 2015

ITEM NO.106

COURT NO.11

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6047/2008

SHIKSHAK SAHAKARI BANK LTD.&amp; ANR.

Appellant(s)

VERSUS

E.S.I CORPORATION &amp; ANR.

Respondent(s)

(with office report)

Date : 01/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s)      Mr. Gagan Sanghi, Adv.  
                                 Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)      Mr. V. J. Francis, Adv. (NP)  
  
                                 Mr. Kuldeep S. Parihar, Adv.  
                                 Mr. H.S. Parihar, Adv.

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

As per office report dated 31.08.2015, learned counsel for the appellants has on 25.07.2015 filed an application for grant of permission to bring subsequent events on record and file additional documents on record. Since the same is defective for the reason that it has not been served on the other sides, it is not numbered/registered. Though the same is defective, the Registry is directed to

register the same in the interest of justice. Further, I.A. No. 1/2015, an application for impleadment to implead the applicant as respondent no. 3 has also been filed, which is allowed.

The unregistered I.A. is allowed. Consequently, the appeal stands disposed of in terms of the signed order.

(VINOD KR.JHA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER