

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****FIRST APPEAL NO. 993 of 2004****With****FIRST APPEAL NO. 994 of 2004****With****FIRST APPEAL NO. 995 of 2004****With****FIRST APPEAL NO. 996 of 2004****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE R.M.CHHAYA**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
  - 2 To be referred to the Reporter or not ?
  - 3 Whether their Lordships wish to see the fair copy of the judgment ?
  - 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
  - 5 Whether it is to be circulated to the civil judge ?
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REGIONAL DIRECTOR....Appellant(s)

Versus

JANSTA &amp; 1....Defendant(s)

Appearance:

MR HEMANT S SHAH, ADVOCATE for the Appellant(s) No. 1

MS AMITA SHAH, AGP for the Defendant(s) No. 2

MR PS GOGIA, ADVOCATE for the Defendant(s) No. 1

CORAM: **HONOURABLE MR.JUSTICE R.M.CHHAYA****Date : 28/02/2014**

**ORAL JUDGMENT**

1. As the questions involved in these appeals are identical and similar and as the same set of evidence is adduced and relied upon by the Reference Court, these appeals were heard together and are hereby disposed of by this common judgment.

2. By these appeals under Section 82(2) of the Employees' State Insurance Corporation Act, 1948, the appellants have challenged the judgments passed in E.S.I Application Nos.10 of 1990, 2 of 1990, 78 of 1987, 11 of 1990 filed under Section 75 of the Act, by learned E.S.I Court, Rajkot.

3. In fact in order dated 22.06.2004, this Court (Coram:Hon'ble Mr.Justice C.K.Buch, as His Lordship then was) has passed the following order.

*ADMITTED qua the determination of percentage of interest awarded by E.I Court only.*

*All these First Appeals be listed for Final Hearing on 22.07.2004"*

4. It is an admitted position that there is no appeal as far as the quantum of contribution which is ordered to be paid filed by the respondents in all the applications.

5. Mr.Prakash Gogia, learned counsel for respondent No.1 in all the appeals, on instructions received by Mr.Vijendra Yadav, Manager (HRA and Admn. of the respondent-Company) states that respondent No.1 in each appeals shall deposit the principal amount of contribution as determined by the learned E.S.I Court

in every applications separately latest by 31.03.2014. The impugned judgments qua the interest are hereby quashed and each applications remanded back for its re-hearing on the aspect of interest to the department i.e. Competent Authority under the E.S.I Act on merits in accordance with law as far as the interest aspect is concerned as expeditiously as possible not later than three months from the date of receipt of this judgment.

The present appeals stand partly allowed accordingly.

**(R.M.CHHAYA, J.)**

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