
(2006) 09 JH CK 0066
In the Jharkhand High Court

Tata Steel Ltd.

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 15-09-2006

Acts Referred:

Employees State Insurance Act, 1948 — Section 87, 88

Citation : (2007) 3 LLJ 194

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ application, the petitioner has prayed for quashing the two demand notices, both dated July 19, 2006, issued by the Deputy Director, Employees State Insurance Corporation for recovery of its contribution for the period from December, 2002 to August, 2005 and further for the period September, 2005 to June, 2006, being amount of Rs. 10,36,590.00 and Rs. 3,73,462.00 respectively. It has been stated that the petitioner has already applied for exemption under the provisions of Sections 87 and 88 of the Employees State Insurance Act before the Secretary, Department of Labour, Government of Jharkhand, who is the competent authority. It has been further stated that for the earlier period the petitioner was given exemption from 1982 to 1996 and on the same ground, further exemption has been prayed. The respondents have not disputed the said fact. It has been stated that this Court, in similar circumstance and in the matter of the same petitioner, has passed an order dated July 10, 2006 in WP (C) No. 2857/2001, holding the demand of the Employees State Insurance Corporation as absolutely unjustified and, in that case, the impugned demand notice was quashed.

2. Learned Counsel for both the parties are in agreement that this case is fully covered by the said order of this Court.

3. In view of the above, both the demand notices dated July 19, 2006, as contained in Annexures 8 and 8/1 are quashed. Since the application for exemption under Sections 87 and 88 of the Employees State Insurance Act is

pending before the competent authority, he shall consider the same and take a fresh decision by a reasoned order, in accordance with law after giving opportunity of hearing to the petitioner.

4. This writ application is disposed of.