
(2007) 06 JH CK 0049
In the Jharkhand High Court

Tayo Rolls Limited

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-06-2007

Acts Referred:

Employees State Insurance Act, 1948 — Section 87, 88

Citation : (2008) 116 FLR 995 : (2008) 1 JCR 268 : (2008) 2 LLJ 763

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

N.N. Tiwari, J. 1. In this writ petition the petitioner has prayed for quashing the demand notice dated 17.4.2007 issued by the Deputy Director, Employees State Insurance Corporation for recovery of the amount of contribution for the period from 1.10.1999 to 30.9.2006 for total demand of Rs. 1,14,38,354/-.

2. It has been stated that the petitioner has 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, Ranchi and the matter is still pending. In the meanwhile, the said demand notice has been issued. It has been stated that in the similar circumstances, several orders have been passed by this Court whereby the realization of the amount has been stayed till the decision of the competent authority on the prayer for exemption.

3. The said position has not been disputed by learned Counsel appearing on behalf of the respondents.

4. Considering the above, since the petitioner's application for exemption under Sections 87 and 88 of the Employees State Insurance Act is pending before the Secretary, Department of Labour, Government of Jharkhand, Ranchi, it is directed that further proceeding following the impugned notice shall remain in abeyance till final decision is taken on the petitioner's said application. The Secretary, Department of Labour is directed to consider and dispose of the petitioner's application by a reasoned order in accordance with law after giving opportunity

of hearing to the petitioner without further delay. However, the respondents shall be at liberty to proceed further and raise any demand, if the exemption is not granted to the petitioner by the competent authority.

5. With the above directions this writ petition is disposed of.