

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.15765 of 1993

Date of Decision:18.09.2017

M/s Frick India Limited

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Amit Jain, Advocate for the petitioner.

Mr. Siddharth Sanwaria, D.A.G. Haryana.

Mr. Vikas Suri, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has prayed for the following relief:

“(a) pass any order, writ or direction, especially in the nature of certiorari quashing the impugned order dated 4th of October, 1993 (Annexure P/11) vide which the Employees State Insurance Court at Faridabad has held the petitioner liable for an amount of Rs.5,36,209.75P. on account of Ex-gratia payments to the apprentices under the Employees State Insurance Act.”

On 21.12.1993, while admitting the petition, order dated 4.10.1993 (Annexure P-11) was stayed. The petitioner had filed petition under Section 75 of the Employees State Insurance Act which decided by the Employees State Insurance Court on 4.10.1993 while determining the amount of Insurance that is to be paid by the petitioner to the respondent-ESI Department. During pendency of this petition, learned counsel for the petitioner pointed out that respondents have evolved New Amnesty Scheme on 3.3.2014. Therefore, petitioner was permitted to file an application

before the respondent-department under the New Amnesty Scheme 2014. After perusal of the petitioner's application under the New Amnesty Scheme 2014, respondent-department has rejected the petitioner's application on 23.08.2017 by passing a speaking order to the extent that para-2 of the New Amnesty Scheme relates to dispute of contribution under item iii. and iv. which were taken into consideration by the respondent to the extent that petitioner is not entitled for any relief under the New Amnesty Scheme 2014.

In view of the above later development, petitioner is at liberty to challenge order dated 23.8.2017 since fresh cause of action has accrued to him. During pendency of this petition, the petitioner had deposited a sum of Rs.5,00,000/- with the respondent-department in two instalments. The same shall be adjusted subject to outcome of challenging order dated 23.08.2017 in accordance with law. The respondents are at liberty to determine interest on the ESI dues which were determined in the year 1993 and recover the same in accordance with law.

With the above observation, petition stands disposed of.

18.09.2017

rajeev

(P.B. Bajanthri)

Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No