IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.2560 of 2018 (O&M)
Date of Order:21.04.2018

Digital Computers

..Petitioner

Versus

Employees State Insurance Corporation & anr.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Nandan Jindal, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The challenge in the revision petition is to the order passed by the learned trial court dated 07.04.2018, dismissing an application filed under Section 2-B of the Employees State Insurance Act, 1948 (hereinafter referred to as 'the Act'), to grant exemption to the plaintiff-petitioner to deposit 50% of the amount as required under the Act.

The Court has noticed that no special circumstance has been brought on file for waiving/reducing the abovesaid amount, which is a pre-condition to the maintainability of the suit.

Learned counsel for the petitioner has argued that the petitioner had placed on file document, copy of Annexure P-3, to prove that the unit has already been closed. He has submitted that once the unit has been closed, the court ought to have considered this aspect while passing the impugned order.

As per Section 2-B of the Act, it is mandatory for the principal employer to deposit 50% of the amount due before the dispute can be

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adjudicated upon. No doubt, courts have been empowered to waive this condition, for the reasons to be recorded. In the present case, the court has found that there is no special circumstance for waiving/reducing the abovesaid amount to be deposited under Section 2-B of the Act. Merely because the unit has been closed, that would not be a circumstance, for waiving/reducing the amount to be deposited as required under the Act.

In view thereof, there is no scope for interference in the order passed by the learned trial court.

The revision petition is dismissed.

April 21, 2018 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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