



\$~38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.R.P. 47/2024**

**EMPLOYEE STATE INSURANCE CORPORATION AND
OTHERS**

..... Petitioners

Through: Mr. A.K. Verma, Adv. with Mr.
Arvind Kumar Bansal, SSO,
ESIC

versus

M/S DCM LTD

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **05.02.2024**

CM APPL. 6813/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 47/2024 and CM APPL. 6814/2024 (Stay)

3. The petitioner in the present civil revision petition is assailing the impugned order dated 14.08.2023, whereby the learned ASCJ, Central District, Tis Hazari Courts, Delhi, in the suit bearing No. ESIC 59/2016 tilted as M/s. DCM Ltd. v. Employee State Insurance Corporation, has dismissed the application of the petitioner/respondent under Order VII Rule 11 CPC.

4. It is urged by the learned counsel for the petitioner that Mr. S.K. Gupta who is representing the petitioner/DCM Ltd. has since retired from service on 30.04.2011, and therefore, the Power of Attorney



executed in his favour so as to authorize him to appear on behalf of the petitioner company is no longer valid.

5. A perusal of the impugned order would show that it is the specific case of the petitioner/DCM Ltd. that although Mr. S.K. Gupta had retired, the Power of Attorney was not co-terminus with the regular employment in the company and it is subsisting even after his retirement inasmuch as his employment has been extended on a contractual basis from time to time.

6. The issues that have been raised by the petitioner/Employees State Insurance Corporation (ESIC) are not encompassed within the ambit of order VII Rule 11 CPC.

7. The present civil revision petition is devoid of any merits and the same is dismissed, except that the learned Trial Court, if it deems fit, may call for a fresh resolution from the Board of Directors or otherwise, clarify this issue from the higher management, as to ascertain whether or not the authority of Mr. S.K. Gupta to represent the petitioner company is still subsisting and valid in law.

8. The present civil revision petition is dismissed accordingly without prejudice.

DHARMESH SHARMA, J.

FEBRUARY 5, 2024

sp