



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 299 OF 2023

Pranay Sinha
Currently,
Insurance Commissioner, ESIC Hqrs.,
Office, New Delhi &
Formerly,
Additional Commissioner and Regional
Director, Regional Office, Mumbai
Employees' State Insurance Corporation,
Ministry of Labour and Employment,
Government of India, Lower Parel,
Mumbai-13.

.... **PETITIONER.**

// VERSUS //

1. Vijay Ramdas Chavhan,
aged about Major, R/o. Santoshi
Mata Nagar, Washim, Tah. & Dist.
Washim, Maharashtra.
2. Medical Administrative Officer,
Divisional Office, Maharashtra
Employees' State Insurance
Corporation, Government of
Maharashtra, Vidarbha Region,
Panchdeep Bhawan, 108,
N.M. Joshi Marg, Lower Parel,
Mumbai-13.
3. The President, Washim District
Consumer Redressal Commission,
Old Building of Civil Court,
Behild Tahsil Office, Civil Lines,
Washim.

.... **RESPONDENTS.**

Shri Nalin Majithia, Advocate for Petitioner.
Shri Amol Deshpande, Advocate for Respondent No.1.

CORAM : **ANIL S. KILOR, J.**
DATED : **FEBRUARY 17, 2025**

ORAL JUDGMENT :

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. Shri Majithia, learned counsel for the petitioner points out that though the original complaint was against the Medical Administrative Officer, Maharashtra Employees' State Insurance Corporation and not against the Employees State Insurance Corporation an undertaking of the Central Government, process was issued against the petitioner in contempt proceedings filed before the District Consumer Dispute Redressal Commission and subsequently a bailable warrant was issued on 11/04/2023, which is the subject matter of challenge in the present matter.
4. From the record, it is evident that even in the application for issuance of process, it was sought to be issued against the Medical

Administrative Officer, Maharashtra State Employees Insurance Corporation and not against the petitioner. Though in the Process Form name 'Pranay Sinha, Additional Commissioner' was mentioned, however, the recovery was admittedly against the particular Department and not against any individual.

5. It is to be noted that subsequently the amount has been deposited by the concerned Department.

6. In the circumstances, I am of the opinion that the learned Consumer Commission committed error in issuing process to the petitioner as no claim filed or no order passed for recovery by the Commission against the petitioner.

7. In view of above, the Writ Petition is allowed in terms of prayer clause (a) and (b) of the petition.

Rule is made absolute accordingly.

(ANIL S. KILOR, J)