



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

CWP-6846-2018

Date of Decision : 17.11.2025

M/S HERO MOTOCORP LTD.

.....Petitioner

VERSUS

EMPLOYEES STATE INSURANCE CORP AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Pawan Kumar Mutneja, Sr. Advocate assisted by
Mr. Viranjeet Singh Mahal, Advocate and
Ms. Suvena Mutneja, Advocate,
for the petitioner.

Mr. Amrinder Singh Sidhu, Advocate,
for respondents no.1 to 3.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to orders/communications dated 19.05.2017, 05.07.2017 and 23/24.01.2018 (Annexures P-12, P-14 and P-21 respectively).

2. Learned senior counsel appearing for the petitioner draws attention of this Court towards the order dated 19.05.2017 (Annexure P-12), wherethrough, the petitioner was found liable to deposit the contribution amount of Rs.12,78,689.00.

3. He further submits that the aforesaid order was put to challenge by filing a statutory appeal, however, the same was dismissed

vide order dated 05.07.2017 (Annexure P-14), as the petitioner had not deposited 25% of the amount as assessed by respondent no.1. Thereupon, again an appeal under the provisions of Section 45-AA of the Employees' State Insurance Act, 1948, was filed by the petitioner, however, fate of the said appeal also remained same, as it was dismissed.

4 He further submits that the now the petitioner has deposited 100% amount with the authority concerned, therefore, the order (*supra*) passed by the learned Appellate Authority, now needs to be interfered, as the matter requires reconsideration by the latter concerned.

5. On the other hand, learned counsel for respondents, while protecting the legality of the order passed by the learned Appellate Authority concerned, submits that it is the statutory requirement that, in order to maintain the appeal, the aggrieved party must deposit 25% of the assessed amount.

6. He further substantiates his argument, while referring to the *ratio* laid down by the Hon'ble Supreme Court in “**The Director, Employees State Insurance Health Care and others vs. Maruti Suzuki India Limited and others**” (2022 Live Law (SC) 453), and submits that the order of the learned Appellate Authority concerned, does not require any interference. However, he fairly concedes that 100 % of the assessed amount has already been deposited by the petitioner.

7. Since the sole reason for declining to entertain the appeal under the provisions of Section 45-AA of the ESI Act, was, non-deposit of 25% of the assessed amount, and this ground no longer exists in view

of the petitioner having already deposited 100% of the assessed amount, this Court **sets aside** the impugned order 19.05.2017 (Annexure P-12), as well as all subsequent orders/ communications dated 05.07.2017 and 23/24.01.2018 (Annexures P-14 and P-21 respectively). Consequently, the matter is **remanded** to the learned Appellate Authority concerned, for decision a fresh, on merits.

8. It goes without saying that the entire exercise shall be carried out, only after affording due opportunity of hearing to the parties concerned.

9. **Disposed of** accordingly.

10. All pending application(s), if any, also stand **disposed of** accordingly.

November 17, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No