



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

CR-6353-2019 (O&M)

Date of decision : 04.04.2025

M/s B Earth & Spire India Pvt. Ltd.

...Petitioner

Vs.

Employees State Insurance Corporation

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amitabh Tiwari, Advocate
for the petitioner.

Mr. Gaurav Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner has filed a petition under Section of 75 of the Employees' State Insurance Act, 1948, (hereinafter referred to as 'ESI Act') challenging the order passed by the competent authority under Section 85-B of the ESI Act, penalising the petitioner for failure to deposit the contribution within prescribed time.

2. During the pendency of the aforesaid petition, the petitioner filed an application under Section 75 (2B) of the ESI Act, for reduction of the mandatory deposit of 50% of the total amount. The Court dismissed the application.

3. On 23.10.2019, notice of motion was issued subject to deposit of 50% of the amount required to be deposited. In other words, the petitioner was directed to deposit 1/4th of the amount instead of 50%.



4. This revision petition is pending for the last 06 years. On account of pendency of this revision petition, petition under Section 75 of the ESI Act, is also pending. This is only with regard to pre-deposit of the amount.
5. While issuing notice of motion, this Court has relied upon a judgment passed by Jharkhand High Court in "W.P. (L) No. 5376 of 2008 titled as "Bihar Industrial Corporation Vs. the State of Jharkhand, E.S.I.C through Regional Director and the Inspector Employees, E.S.I.C."
6. Keeping in view the aforesaid facts, it is considered appropriate to direct the Court to decide the application under Section 75 of the ESI Act without insisting on deposit of remaining 1/4th of the amount.
7. With these observations, the revision petition is disposed of.

04.04.2025
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(ANIL KSHETARPAL)
JUDGE

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