



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

(124)

CR-5786-2025(O&M)
Date of Decision:-26.08.2025

Employees State Insurance Corporation

.....Petitioner

Versus

M/s Maverick Construction

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH
GREWAL**

Present: Mr. H.S. Bhatia, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking setting aside of the impugned order dated 25.11.2021, whereby the application for stay of recovery filed by the Employees' State Insurance Corporation has been allowed.

2. Learned counsel for the petitioner submits that the learned Employees' Insurance Court, Chandigarh, vide order dated 25.11.2021, allowed the application under Order XXXIX Rules 1 and 2 CPC, thereby staying the recovery proceedings against respondent-M/s Maverick Construction. It is contended that while disposing of the said application, the learned Court failed to consider the submissions made by the

petitioner in his written statement. It is further argued that the petitioner specifically raised the objection that the application itself was not maintainable in view of non-compliance with the mandatory requirement of Section 75(2B) of the Employees' State Insurance Act, 1948. However, without advertng to the said objection, the impugned order dated 25.11.2021 was passed.

3. The petitioner thereafter approached the learned Additional District Judge, Chandigarh, but the application came to be rejected on the ground that any appeal against an order passed by the Employees' Insurance Court lies before the Hon'ble High Court under Section 82 of the ESI Act.

4. In the above circumstances, learned counsel for the petitioner prays that the application under Order XXXIX Rules 1 and 2 CPC be directed to be decided afresh by the Employees' Insurance Court, strictly in terms of Section 75(2B) of the ESI Act, 1948.

5. Considering the nature of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as the same would only result in unnecessary delay and additional expense.

6. I have heard learned counsel for the petitioner at length and perused the record.

7. In view of the aforesaid facts and circumstances, the present petition is disposed of without expressing any opinion on the merits of the case. The learned Employees' Insurance Court, Chandigarh, is directed to decide the application under Order XXXIX Rules 1 and 2 CPC afresh, in accordance with law and keeping in view the mandate of Section 75(2B)

of the Employees’ State Insurance Act, 1948.

8. Pending application(s), if any, also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

26.08.2025

Shubham

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