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

+ W.P.(C) 5908/2025, CM APPL. 26918/2025

M/S PROTECH IMPEX .....Petitioner

Through: Mr. Sohaib Alam and Mr. Anuj  
Sharma, Advocates.

versus

EMPLOYEES STATE INSURANCE

CORPORATION & ANR .....Respondents

Through: Mr. K.P. Mavi, Mr. Dinesh Partap  
Singh, Advocates for respondent no.1  
and Mr. Arvind Kumar Bansal, SSO.  
Mr. Aayushmaan Vatsyayana,  
Advocate for respondent no.2.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

% **05.05.2025**

1. Mr. Mavi, learned counsel appearing for respondent No.1 on advance notice, has taken a preliminary objection as to the maintainability of the present petition. He states that the respondent issued a demand notice on 29.11.2019 which remained un-assailed by the petitioner. He further submits that in terms of Section 75 of the Employees' State Insurance Act, 1948 (hereinafter, '*the Act*') the designated Court only has the power to go into the question of determining the liability. He also submits that in terms of Section 75(3) of the Act, the jurisdiction of the Civil Court is barred. Moreover, he submits that in view of the demand notice having remained unanswered, the recovery certificate and proceedings were carried out in pursuance thereof.

2. At this stage, learned counsel for the petitioner states, upon



instructions, that he does not wish to press the present petition and seeks leave to withdraw the present petition with liberty to take recourse to appropriate remedy in accordance with law.

3. In view of the above, leave and liberty, as prayed for, are granted and the petition alongwith pending application is dismissed as withdrawn.

**MANOJ KUMAR OHRI, J**

**MAY 5, 2025/rd**