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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7909/2025, CM APPL. 34866/2025, CM APPL. 35017/2025**

MS SECURITY ON LINE

.....Petitioner

Through: Mr. A.K. Singh, Mr. Gouravv Prasad,
Mr. Haridwar Singh and Mr. Ankit
Kumar, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Amit Gupta, SPC with Mr. Vidur
Dwivedi, Govt. Pleader for UOI.
Mr. Shlok Chandra, Standing
Counsel, ESIC with Mr. Dhananjay,
Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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29.05.2025

CM APPL. 34866/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 7909/2025, CM APPL. 34866/2025

1. By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks following prayers:

*“a) Quash the letter dated 18.02.2025 for recovery of an amount of Rs. 35,76,140 (thirty-five lakhs seventy-six thousand one hundred forty) letter dated 28.03.2025 issued by and the respondent no. 2 and 3 for attachment of Bank Account of the petitioner
b) Further direct the respondent no.4 not to initiate any*



recovery proceedings based on the order dated 18.02.2025 and 28.03.2025 passed by the respondent no. 2 & 3 under the ESI Act till the disposal of the present, writ petition

c) Further direct the respondent no. 2 & 3 to decide the representation of the petitioner and allow the petitioner to put his case before the competent authority.”

2. Learned counsel for the petitioner states that the demand notice dated 02.01.2025 was sent by the respondent, to which the petitioner duly responded by sending its replies. However, the impugned communication does not reflect consideration of the said replies. He further submits that the proviso of Section 45A(1) of the Employees State Insurance Act, 1948 provides that no order shall be passed by the Corporation unless the principal or immediate employer or the person in charge of the factory or establishment has been given a reasonable opportunity of being heard.

3. Issue notice.

4. Learned counsel for the respondent has primarily raised a preliminary objection to the maintainability of the present petition.

5. Be that as it may, without going into the merits of the contentions, the present petition is disposed of with the directions that the impugned letters are set aside. The Authority shall grant an opportunity of personal hearing to the petitioner within a period of four weeks. Petitioner shall be at liberty to file documents, if any, which he seeks to rely upon.

6. Needless to state that this Court has not gone into the contentions of either of the parties.

MANOJ KUMAR OHRI, J

MAY 29, 2025

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