



103

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

**LPA-1471-2026 (O&M)
Date of decision: 27.05.2026**

EMPLOYEES' STATE INSURANCE CORPORATION

...Appellant(s)

VERSUS

FOOD CORPORATION OF INDIA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. H. S. Bhatia, Advocate for the appellant.

Mr. K. K. Gupta, Advocate for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

CM-3599-LPA-2026

Prayer in this application is for condonation of delay of 314 days in filing the present Letters Patent Appeal.

Learned counsel for the respondent submitted that he has no objection in case the present application is allowed in view of the grounds taken therein and therefore, the aforesaid delay may be condoned.

Consequently, the present application is allowed and the delay of 314 days in filing the present Letters Patent Appeal, is hereby condoned.

LPA-1471-2026

1. The present Letters Patent Appeal has been filed under Clause X of the Letters Patent Act for setting aside the judgment dated 22.04.2025 passed by the learned Single Judge.



2. Learned counsel for the appellant submitted that his limited grievance in the present appeal is only to the extent of the observation made by the learned Single Judge in paragraph No.14 of the impugned judgment, wherein it has been so observed that the ESI Corporation cannot be given the powers so as to initiate a fishing inquiry to start investigation without there being any cogent proof of violation of the Employees State Insurance Act, 1948 at the hands of the respondent. He further submitted that for the purpose of collecting any proof, some inquiry has to be initiated and therefore, the aforesaid judgment may be modified to the limited extent that the ESI Corporation may be permitted to proceed as per the procedure prescribed under the law.

3. On the other hand, Mr. K. K. Gupta, learned counsel for the respondent submitted that he has received an advance copy of the present appeal and has also sought instructions. He submitted that in view of the submission made by the learned counsel for the appellant to the limited extent that the ESI Corporation is competent to proceed as per the procedure prescribed by law, the respondent-FCI has no objection with regard to the same in case the aforesaid portion is modified.

4. In view of the above, the present Letters Patent Appeal is disposed of. It is directed that the aforesaid portion of the observation made by the learned Single Judge in paragraph No.14 of the impugned judgment dated 22.04.2025 i.e. “But, the ESI Corporation cannot be given the powers so as to initiate a fishing inquiry to start investigation without there being any cogent proof of violation of the 1948 Act at the hands of the petitioner”, shall stand



modified. The ESI Corporation can always within its competence proceed in accordance with the procedure established by law, which obviously has to be in a reasonable manner and not in an arbitrary manner.

5. Miscellaneous applications, if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

27.05.2026
Chetan Thakur

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No