



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-13838 of 2026

Date of decision: 22.05.2026

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

.... Petitioner

Vs.

Employees State Insurance Corporation

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Gauav Pathak, Advocate,
for the respondent.

KULDEEP TIWARI, J (Oral)

1. Through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, a prayer is made for a mandamus upon the respondent to consider and decide the representations dated 10.03.2026 (Annexure P-1) and 20.03.2026 (Annexure P-2) submitted by the petitioner under the Amnesty Scheme 2025.

2. On 05.05.2026, this Court has passed the following order:

“The petitioner, by way of instant writ petition, as cast under Article 226 of the Constitution of India, prays for issuance of a Mandamus upon the respondent to consider and decide the representations dated 10.03.2026 (Annexure P-1) and 20.03.2026 (Annexure P-2). In the instant matter, the authority concerned, under Section 85-B of the Employees’ State Insurance Act, 1948 (for short, ‘the Act’), imposed damages upon the petitioner. Thereafter, another order was passed on 02.08.2019, imposing further damages. Aggrieved, the petitioner preferred an application under Section 75, accompanied by another application under Section 75 (2B) of the Act, seeking interim stay on the orders (supra). Accordingly, learned Civil Judge concerned, vide order dated 10.09.2019 (Annexure P-7), decided the said application, thereby, directing the petitioner to deposit 50% of the assessed damages, as a condition for stay of the proceedings. Fetching grievance from the order (supra), a revision petition was filed before this Court, wherein, vide order dated 23.10.2019 (Annexure P-8), notice of motion was issued, subject to deposit of 25% of the assessed amount, instead of 50%. Resultantly, in compliance thereto, the petitioner deposited an amount of Rs.11,90,500/-. Eventually, the said revision petition was disposed of, vide order dated 04.04.2025. During the pendency of the proceedings arising out of the application (supra), the petitioner filed another application to pass a direction upon the respondent to consider its case under the Amnesty Scheme, 2025, which was withdrawn with liberty to approach the concerned authorities, at the first instance, vide order dated 06.01.2026 (Annexure P-14). In



pursuance thereof, the petitioner filed a representation dated 6.11.2025 (Annexure P-15). Thereafter, representations Annexure P-1 and P-2 were also filed, which have yielded no results, till date.

In the wake of the abovesaid position, this Court is, prima facie, of the view that the instant petition can be disposed of, without issuing notice, inasmuch as, the prayer is bonafide and innocuous. However, it would be deemed apt to call upon the respondents to clarify the timeline within which, the abovesaid representations will be decided.

Accordingly, let notice of motion be issued for 22.05.2026. Process dasti, as well.”

- 3. Today, Mr. Gaurav Pathak, Advocate, with Ms. Archana Vashisht, Advocate, has caused an appearance on behalf of the respondent and submits that case of the petitioner has already been forwarded to the committee constituted under the Amnesty Scheme, 2025. He further submits that he has the instructions to make a statement that the representations (supra) of the petitioner shall be considered and decided within a month from today, in accordance with law.
- 4. In view of the stand taken by the learned counsel for the respondent, the asked for mandamus is not required to be passed.
- 5. **Disposed of** accordingly.
- 6. However, this Court is sanguine that the respondent shall adhere to the statement made by the learned counsel for the respondent, today in the Court.

(KULDEEP TIWARI)
JUDGE

22.05.2026
deepak

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