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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 232/2021, CM APPLs. 35339/2021, 35340/2021**
M/S DELKAN BUILDTECH (P) LTD.Appellant
Through: **Mr. Krishna Chandra Dubey, Ms.**
Uma Trafdar, Advocates

versus

DIRECTOR-IN-CHARGE, ESI
CORPORATION AND ORS.Respondents
Through: **Ms. Yamini Singh, Advocate.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
07.04.2026

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1. By way of present appeal, the appellant seeks to assail the order and judgment dated 30.09.2019 passed in CS No. 01/2015 (3/15) by the learned Judge, Small Cause Court-cum-Additional Senior Civil Judge/Guardian Judge, (East District), Karkardooma Courts, Delhi, in proceedings wherein the appellant had challenged the recovery notice issued by the respondents.
2. Learned counsel appearing for the appellant contends that it is the case of the appellant that its unit was closed on 31.01.2011, and in support of the said fact, reliance was placed on RC indicating NIL returns for the period 15.02.2011 to 31.03.2013. He further contends that vide the impugned judgment, the Trial Court rejected the appellant's challenge to the recovery notice by observing that the appellant had failed to place on record any documentary evidence in support of its assertion that the unit was closed on 31.01.2011. He further submits that along with the present appeal, the appellant has placed on record additional documents in the nature of



vouchers as well as registers for the months of December 2010 and January 2011. While the former would show that the machinery was sold, the latter document would also support the fact that there were no employees with the appellant at the time of closure.

3. In the aforesaid facts and circumstances, learned counsel for the appellant prays that the matter be remanded back to the Trial Court with liberty to the appellant to lead additional evidence on the aforesaid documents, which could not be placed on record despite due diligence.

4. Learned counsel appearing for the respondents, on the other hand, has opposed the prayer and submits that despite sufficient opportunity, the appellant failed to file the aforesaid documents before the Trial Court, which were always in its power and possession.

5. In view of the above, and considering that the additional documents placed on record go to the root of the matter in support of the appellant's claim challenging the recovery notice, this Court, without commenting upon their evidentiary value, deems it apposite to set aside the impugned order and judgment, with liberty to the appellant to lead additional evidence. It is ordered accordingly.

6. In view of the foregoing discussion, the matter is remanded back to the Trial Court for fresh adjudication, and the parties are directed to appear before the concerned Trial Court on 20.04.2026.

7. Considering that the proceedings before the Trial Court were initiated in the year 2015 and the challenge to the recovery notice is dated 17.09.2015, the Trial Court is requested to make an endeavour to dispose of the matter within a period of six months from today.



8. Learned counsel appearing for the parties assure the Court that they would not seek unnecessary adjournments before the Trial Court.
9. The appeal along with pending applications are disposed of accordingly.

MANOJ KUMAR OHRI, J

APRIL 7, 2026/rd