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

+ **FAO 376/2018**

EMPLOYEE STATE INSURANCE

CORPORATION (ESIC) & ANR

.....Appellants

Through: Mr. Ghufran Ahmad, Mr. Yashvir
Singh Kadiyan and Mr. Arvind
Kumar Bansal, Advocates.

versus

M/S MOHAN ENTERPRISES

.....Respondent

Through: Mr. Y.S. Rathee, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.01.2026

CM APPL. 32018/2018 (D/59 Days in filing the appeal)

1. By way of present application, the applicant seeks condonation of delay of 59 days in filing the present appeal.
2. For the reasons stated in the application and in view of no objection from the counsel for the respondent, the same is allowed and the delay of 59 days in filing the appeal is condoned.
3. The application is disposed of accordingly.

FAO 376/2018

1. By way of present appeal filed under Section 82 of the Employees State Insurance Act, 1948, the appellants seek to assail the order dated 02.04.2018 passed by the learned Trial Court.
2. Learned counsel appearing for the respondent submits that the respondent has challenged the recovery of Rs.6,93,359/- on the aspect of quantum only.
3. At this stage, learned counsel appearing for the appellants, upon



instructions, states that an opportunity of fresh hearing be granted to the respondent, whereafter a fresh order may be passed.

4. In view of the aforesaid, the present appeal is disposed of with the direction that the appellants shall grant a fresh hearing to the respondent, after taking into consideration any documents that may be relied by the respondent. Thereafter, the concerned Competent Authority shall pass a fresh order, if so required.

5. At this stage, learned counsel appearing for the appellants submits that the respondent can avail benefit under ESI Scheme. Learned counsel appearing for the respondent seeks some time to obtain requisite instructions in this regard.

6. The appeal stands disposed of in above terms.

7. For the aforesaid purpose, the respondent is directed to appear before the concerned Competent Authority on 02.02.2026.

MANOJ KUMAR OHRI, J

JANUARY 7, 2026/rd