



\$~A-4 (2019)

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

+ **W.P.(C) 8015/2019**

BSES YAMUNA POWER LIMITED

..... Petitioner

Through: Mr. Amit Kumar, Advocate.
versus

**EMPLOYEES STATE INSURANCE CORPORATION
AND ORS.**

..... Respondents

Through: Mr. V.K. Singh, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **04.01.2022**

1. This hearing has been done through video conferencing.
2. Mr. V.K. Singh, Id. Counsel appearing for the Respondent-ESIC submits that the appropriate Government under the Employees' State Insurance Act, 1948 (*hereinafter "Act"*) in this matter would now be the Central Government due to the subsequent amendments.
3. Vide order dated 16th January, 2020, it has been recorded that the exemption which was sought by the Petitioner from the operation of the said Act was to be considered by the GNCTD. Thus, Mr. Singh, Id. Counsel submits that the appropriate Government being the Central Government, the Petitioner ought to have now approached the Central Government to seek exemption from applicability of the Act, instead of the GNCTD. However, the Petitioner has still not sought this exemption. Accordingly, Mr. Singh seeks a direction to the Petitioner to seek exemption from the Central Government.



4. If the Respondent-ESIC wishes to place the above stand on record by way of an affidavit, it is permitted to do so.
5. It is made clear that the pendency of the present petition would not, in any manner, prevent the Petitioner from approaching the Central Government for seeking exemption which shall be considered by the Central Government, in accordance with law.
6. List before the Court on 4th March, 2022. The date fixed before the Registrar stands cancelled.

PRATHIBA M. SINGH, J.

JANUARY 4, 2022

dj/ad