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

+ **CRL.M.C. 6843/2022**

M/S PARK HOSPITAL PVT. LTD. & ORS. Petitioners
Through: Mr.Tanveer Ahmed, Mr.Kartik Venu,
Mr.Mukesh Bhirdwaj, Mr.Atin Mehta
and Mr.F. Khan, Advs.

versus

EMPLOYEES STATE INSURANCE CORPORATION
..... Respondent

Through: None

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
16.12.2022

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CrI.M.A. No. 26518/2022 (seeking exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 6843/2022 & CrI.M.A No. 26517/2022

3. Petitioners impugn order dated 17.01.2017 and seeks direction for quashing and setting aside of criminal complaint No.1161/2017 *vide* which, the petitioners have been summoned for committing offence under Section 85(g) of the Employees State Insurance (ESI), 1948.
4. It is stated that the learned Trial Court has taken cognizance in the matter pending before him without considering the fact that the similar issue in question is *sub judice* before Hon'ble Division Bench of this Court in Writ Petition (Civil) Nos.4572 of 2011 and 6111/2011.
5. Let notice be issued to respondent through all permissible mode,



returnable for 15.02.2023.

6. The prayer of the counsel for State for stay of the proceedings would be considered on the next date of hearing.
7. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J.

DECEMBER 16, 2022
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