



\$~61

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

+ CRL.M.C. 6843/2022 & CRL.M.A. 26517/2022

M/S PARK HOSPITAL PVT. LTD. & ORS.Petitioners

Through: Mr. Sidharth Luthra, Sr. Advocate
with Mr. Rakesh Bhardwaj, Mr. S.K.
Goyal and Mr. Atin Mehta,
Advocates.

versus

EMPLOYEES STATE INSURANCE CORPORATION

.....Respondent

Through: Mr. K.P. Mavi, Advocate alongwith
Mr. Arvind Kumar Bansal, SSO,
ESIC.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.09.2024

%

1. The instant petition arises out of a Criminal Complaint No.1161/2017 arising out of File No. 3/ESIC/17 filed by the Respondent for offences under Section 85(g) of the Employees' State Insurance Act, 1948 against the Petitioners herein.
2. The crux of the complaint is that the Petitioners have violated Section 85(g) of the ESI Act wherein compliance of Section 45(2) has been violated. Section 44(1) & (2) mandates production of documents if sought for by the competent authority.
3. It is the case of the Petitioners that the Petitioners have been covered only pursuant to a notification issued by the Central Government under Section 1 of the Employees' State Insurance Act, 1948 and the said



notification is under challenge before the learned Single Judge of this Court. Though the matter was part-heard before the Coordinate Bench of this Court, but now the matter has been released from the category of part-heard and the same is now listed before the Roster Bench on 13.09.2024.

4. List on 12.12.2024.
5. Interim orders to continue.

SUBRAMONIUM PRASAD, J

SEPTEMBER 9, 2024

hsk