

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 4217/2026

[Arising out of impugned final judgment and order dated 09-08-2023 in FA No. 221/2005 09-08-2023 in FA No. 222/2005 09-08-2023 in FA No. 223/2005 passed by the High Court of Gujarat at Ahmedabad]

REGIONAL DIRECTOR,
EMPLOYEES STATE INSURANCE CORPORATION

Petitioner(s)

VERSUS

CHIEF OFFICER,
JUNAGADH NAGARPALIKA,
GUJARAT

Respondent(s)

(IA No. 114688/2026 - CONDONATION OF DELAY IN FILING, IA No. 114690/2026 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS AND IA No. 114686/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. Brijesh Kumar Tamber, AOR
Mr. Vinay Singh Bist, Adv.
Mr. Prateek Kushwaha, Adv.
Ms. Arani Mukherjee, Adv.
Mr. Yashu Rustagi, Adv.
Mr. Sahas Bhasin, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner challenges the judgment and order dated 09.08.2023 in FA Nos. 221/2005, 222/2005 and 223/2005 titled "*Regional Director E.S.I.C. & Anr. vs. Chief Officer*" passed by the High Court of Gujarat at Ahmedabad.
2. Delay condoned.

3. Our attention is invited to the decision rendered by this Court in case of "*Employees' State Insurance Corporation vs. Kakinda Municipality & Ors.*", reported in (2022) 2 SCC 56, which after considering the earlier decision rendered by this Court in the case of "*Municipal Committee, Abohar vs. ESI Corporation*" reported in (1996) 7 SCC 488, clarified that unless there is exemption from the applicability of the Employees State Insurance Act, 1948, all Institutions including Local Self Government Authorities/Bodies would be governed by the provisions of the said statute.

4. Issue notice, returnable on 19.05.2026.

5. We request Ms. Swati Ghildiyal, learned Advocate-on-Record to apprise the Authority about the pendency of the present petition and also to obtain instructions as to whether she would be appearing on behalf of the respondent.

6. In any event, should the respondent choose to have themselves represented through another counsel, they must make alternate arrangements, failing which Ms. Swati Ghildiyal, learned counsel shall continue to appear on behalf of the said respondent.

7. Let counter affidavit be filed within two weeks. Rejoinder thereto, if any, be filed within one week thereafter.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)