



क-रा-बी-नि-
E.S.I.C

कर्मचारी राज्य बीमा निगम
(श्रम और रोजगार मंत्रालय, सरकार भारत)
Employees' state Insurance Corporation
(Ministry of Labour & Employment, Govt. of India)



मुख्यालय/Headquarters
पंचदीप भवन, सी.आई.जी. मार्ग, नई दिल्ली -10002
Panchdeep Bhawan, C.I.G. Marg, New Delhi-110002
Website : www.esic.nic.in/www.esic.in

No. T-11/13/13/01/2016 Rev.II

Dated:02.06.2022

To,

All AC & RD/Director/JD/DD I/c
ROs/SROs, ESI Corporation,

Sub:- Judgement dt. 27.04.2022 of Hon'ble Supreme Court of India in CA No.3464 of 2022 in SLP (Civil)No.30369 of 2017 in the matter ESIC V/s Maruti Suzuki India Ltd & Ors.

Sir,

I am directed to enclosed herewith a copy of the judgement dt. 27.04.2022 of the Hon'ble Supreme Court of India in the above mentioned Civil Appeal.

A dispute arose between M/s Maruti Suzuki India Ltd. & Ors. V/s ESIC on the requirement of pre-deposit under Section 45-AA of the ESI Act, 1948. The SRO Gurgaon had issued a letter dt. 21.02.2014 to the employer declining to entertain the application made by employer for exemption from depositing 25% of the contribution as assessed. Aggrieved by the order, Employer challenged it before Hon'ble High Court along with other subsequent action by SRO, Gurgaon. The Hon'ble High Court gave its verdict against ESI Corporation.

Thereafter an SLP No. 30369/2017 was filed by Corporation before Hon'ble Supreme Court of India. The matter was listed on 27.04.2022 for final hearing & decision. The matter was heard at length, after hearing the matter from both the parties, Hon'ble Supreme Court allowed the appeal filed by ESIC and held that once the statute has fixed the condition of pre-deposit before filing an appeal, such condition is required to be satisfied. Further Apex Court held that the condition of pre-deposit, said to be not mandatory and giving appellate authority a discretion to waive of the amount determined, is clearly not sustainable.

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Keeping in view of the above decision, copy of the judgement is circulated herewith for necessary action and strict compliance while deciding the appeal filed under section 45AA of ESI Act.

This issues with the approval of the Director General.

Encls: As above

Yours faithfully,



(NIRAJ KUMAR)
ASST. DIRECTOR (REV.)

Copy to : Website Content Manager with the request to upload on the website of ESI Corporation.



ASST. DIRECTOR (REV.)

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

019767

Petition(s) for Special Leave to Appeal (C) No(s). 30369/2017

(Arising out of impugned final judgment and order dated 27-10-2016 in CWP No. 12922/2014 passed by the High Court Of Punjab & Haryana At Chandigarh)

DIRECTOR EMPLOYEES STATE INSURANCE CORPORATION & ORS. Petitioner(s)

VERSUS

MARUTI SUZUKI INDIA LTD. & ORS.

Respondent(s)

(IA No. 97423/2017 - EXEMPTION FROM FILING O.T.)

Date : 27-04-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

Certified to be true Copy
for Assistant Registrar (Judl.)
Krishan Kr. 2020
Supreme Court 06/5/22

For Petitioner(s) Mr. Vaibhav Manu Srivastava, AOR
Mr. Mahesh Srivastava, Adv.

For Respondent(s) Mr. C. U. Singh, Sr. Adv.
Mr. Sachin Mittal, AOR
Mr. Zubin M. John, Adv.
Ms. Ritu Bharadwaj, Adv.
Mr. Amjid Maqbool, Adv

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

Heard the learned counsel appearing for the parties.

Arguments concluded.

Leave granted.

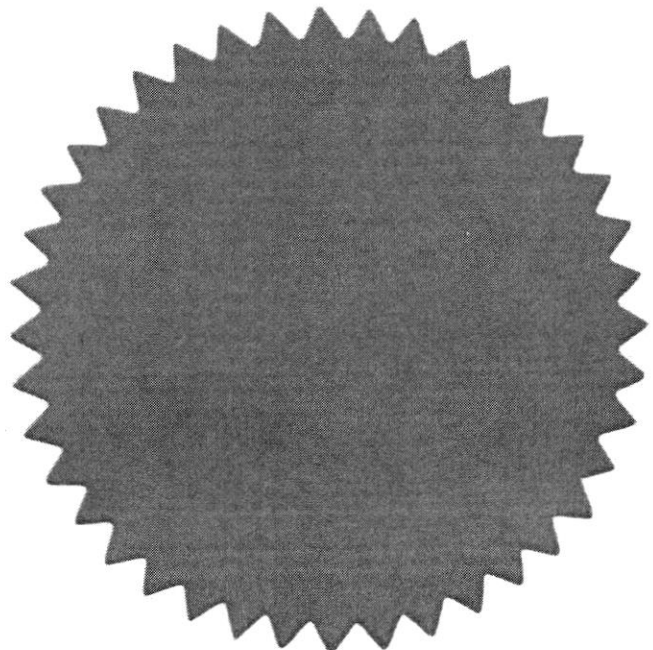
Appeal is allowed.

Reasons to follow.

— Sd —
(JAYANT KUMAR ARORA)
COURT MASTER

— Sd —
(RENU BALA GAMBHIR)
COURT MASTER

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