

CWP No. 8965 of 2000 (O&M) and
other connected cases

2025:PHHC:090809



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 277)

(1) CWP No. 8965 of 2000 (O&M)
Date of Decision : 23.07.2025

HMT Ltd. Pinjore

...Petitioner

Versus

Union of India and others

...Respondents

(2) CWP No. 11432 of 2000 (O&M)

Bharat Electronics Ltd., Panchkula

...Petitioner

Versus

Union of India and others

...Respondents

(3) CWP No. 5551 of 2002 (O&M)

HMT Ltd., Industrial Area, Mohali

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anand Chhibbar, Advocate with
Mr. Lalit Thakur, Advocate and
Mr. Utkarsh Khatana, Advocate
for the petitioner(s) in CWP-8965-2000 and
CWP-5551-2002.

Ms. Sanchi Bindra, Advocate for
Mr. Amar Vivek Aggarwal, Advocate
for the petitioner in CWP-11432-2000.

Mr. Paul S. Saini, Senior Panel Counsel
for respondent No. 1-UOI.



Mr. Adarsh Malik, Advocate
for respondents No. 1 to 3 in CWP-8965-2000.

Mr. Amrinder Singh Sidhu, Advocate
for respondents No. 2 to 4 in CWP-11432-2000.

Mr. H.S. Bhatia, Advocate
for respondents No. 2 and 3 in CWP-5551-2002.

Harsimran Singh Sethi J. (Oral)

1. In the present bunch of petitions, the challenge is to the order passed by the authorities exercising jurisdiction under ESI Act, 1948 as amended from time to time.

2. Learned counsel for the respondents submit that without availing the remedy of an appeal, the order of assessment has been challenged and once, an efficacious remedy is available, the petitioner(s) should have availed the same rather than approaching this Court directly. Learned counsel for the respondents further submit that even as of now, in case any appeal is preferred by the petitioner(s)-Institutions, the same will be considered and decided on merit by passing an appropriate speaking order.

3. Learned counsel for the petitioner(s) submits that keeping in view the statement of learned counsel for the respondents, the present petitions may kindly be disposed of having been not pressed any further with liberty to file an appeal before the appropriate forum against the order assessing the petitioner(s).

4. The appellate authority is directed to take into consideration all the relevant grounds which the petitioner(s) take in support of their claim



that they were not liable for the assessment under the ESI Act, 1948 as amended from time to time.

5. Keeping in view the fact that the petitioner(s) are being given liberty to file an appeal and as of now, there is an interim order regarding the recovery in pursuance to the order of assessment against which appeal is to be preferred, it is directed that till the appeals are decided by the competent authority, no coercive action be taken against the petitioner(s) for recovery in pursuance to the assessment order.

6. Pending miscellaneous application, if any, also stands disposed of.

7. A photocopy of this order be placed on the file of connected cases.

July 23, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No