

**(2025) 12 DEL CK 0006**

**Delhi HC**

**Case No:** Review Petition No. 615 Of 2025 In FAO No. 62 Of 2018, Civil Miscellaneous  
Application No. 77636 Of 2025

Motor & General Finance Limited

APPELLANT

Vs

Director General & Anr

RESPONDENT

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**Date of Decision:** Dec. 15, 2025

**Acts Referred:**

- Code of Civil Procedure, 1908- Section 114, 115, Order 41 Rule 27, Order 47 Rule 1
- Employees' State Insurance Act, 1948- Section 45A, 75, 82(2)
- Employees' State Insurance (General) Regulations, 1950- Regulation 32
- Evidence Act, 1972- Section 62, 65B

**Hon'ble Judges:** Chandrasekharan Sudha, J

**Bench:** Single Bench

**Advocate:** J.P. Singh, Sunil Magon

**Final Decision:** Dismissed

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**Judgement**

Chandrasekharan Sudha, J

1. This petition under Order XLVII Rule 1 read with Sections 114 and 115 of the Code of Civil Procedure, 1908, has been filed by the appellant for reviewing the judgment dated 28.11.2025 in FAO 62/2018. The review petitioner, the appellant in the first appeal, was the petitioner before the Employees Insurance Court (the EIC). The appeal was filed by the appellant, challenging the judgment in ESI No. 72/16/05, whereby his petition filed under Section 75 of the ESI Act was dismissed on the ground that the petitioner failed to prove its claims and its own evidence showed liability under the Employees State Insurance Act, 1948 (the ESI Act). The appeal has been dismissed, holding that no substantial question of law arose under Section 82(2) of the ESI Act, and that the petitioner failed to prove that the ESI Act did not apply to them.

2. According to the review petitioner, there are errors apparent on the face of the record in the impugned judgment 28.11.2025, warranting review in interest of justice. There were material statutory amendments in Section 45A of the ESI Act, which barred the respondent from raising any contribution demand beyond five years. Under Regulation 32 of the Employees State Insurance (General) Regulations, 1950 (the ESI Regulation), the employer was required to maintain employee registers for five years only, rendering the 2011 demand for records illegal. The petitioners application, being CM No. 33919/2019 under Order XLI Rule 27 CPC, was not adjudicated. Reliance was placed on the dictum of the Apex Court in **State of Karnataka v. T. Naseer** 2024 (1) Apex Court Judgements (SC) 788 to state that an electronic record, as such is used as primary evidence under Section 62 of the Indian Evidence Act, 1972 (the Evidence Act) and that the same is admissible in evidence, without compliance with the conditions in Section 65-B of the Evidence Act.

3. Heard the learned counsel for the review petitioner.

4. The scope of a review petition is extremely narrow to correct an error apparent on the face of the record that vitiates the impugned judgment. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XLVII Rule 1 CPC (Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170). In Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715, it has been held by the Apex court that a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error that is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record. The principle was further reiterated in the dictum of Sasi v. Aravindakshan Nair, (2017) 4 SCC 692 stating that review is not an appeal in disguise where erroneous decision is reheard and corrected, but lies for patent error.

5. At the outset, it is clarified that the arguments advanced by the petitioner have been considered in the impugned judgment, and this Court rejected those arguments and confirmed the finding of the EIC. It is indeed true that an amendment was made to Section 45A of the ESI Act, wherein a second proviso was inserted, stating that, **provided further that no such order shall be passed by the Corporation in respect of the period beyond five years from the date on which the contribution shall become payable.** The said amendment came into effect from 01.06.2010. Such a plea was never raised either before the EIC or in the appeal, or when arguments were addressed or for that matter, in the written submissions submitted. It is settled law that the period of five years under Regulation 32 of ESI Regulations is with regard to maintenance of registers of workmen and the same cannot take away the right of the Corporation to adjudicate, determine and fix the liability of the employer under Section 45A of the ESI Act, in respect of the claim other than those found in the register of workmen, maintained and filed in terms of

the Regulations. (ESI Corpn. v. C.C. Santhakumar, 2007) 1 SCC 584.

6. In the light of the above discussion, this Court does not find any error apparent on the face of the record in the impugned judgment calling for a review. The grounds urged in the review petition do not warrant interference, as it is merely an attempt to re-agitate the appeal under the guise of review.

7. In the result, the review petition is dismissed. Applications, if any pending, shall stand closed.