

Court No. - 6

Case :- WRIT - C No. - 29648 of 2023

Petitioner :- M/S Shalimar Decorator

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Manoj Srivastava

Counsel for Respondent :- A.S.G.I.,Arvind Kumar Goswami

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Manoj Srivastava, learned counsel for the petitioner, Mr. Rajesh Tiwari, learned counsel for the respondent nos.2&3 and Mr. Arvind Kumar Goswami, learned Counsel for the respondent no.1.

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 03.05.2023 passed by respondent no.3 whereby the petitioner has been directed to deposit Rs.8,51,235/- as contribution amount, under Employees State Insurance Act, 1948 and a further prayer to direct the respondent no.3 to take final decision on the application dated 19.05.2023 for recalling of the impugned order.

At the very outset, learned counsel for the respondent nos.2&3 has pointed out that against the impugned order, there is a statutory remedy of filing appeal before the appellate authority under Section 45 AA of Employees State Insurance Act, 1948 and before the Employees Insurance Court (EI Court), under Section 75(d) of the Act.

On the aforesaid being pointed out, learned counsel for the petitioner requests that the petitioner may be permitted to file an appeal and a direction may be issued to expedite the same within stipulated period.

In view of the aforesaid, no useful purpose will be served to keep this writ petition pending and calling for a counter affidavit.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed of** with a direction to the petitioner to file appeal before the appellate authority within three weeks from today along with a certified copy of this order and, if any such

appeal is filed, the appellate authority shall make all endeavours to consider and decide the same, ignoring the delay and laches, if any, after giving opportunity of hearing to all the parties, in accordance with law, by a reasoned and speaking order as expeditiously as possible.

It is made clear that this Court has not examined the merits of the claim of the petitioner and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 27.10.2023

Jitendra/-