

Court No. - 6

Case :- WRIT - C No. - 33826 of 2023

Petitioner :- M/S Anuja Traders And Another

Respondent :- Employees State Insurance Corporation And 5 Others

Counsel for Petitioner :- Abhijeet Mukherji, Amit Kumar Singh

Counsel for Respondent :- Rajesh Tewari, Pradeep Kumar Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

This petition has been filed with a prayer to quash the notice dated 17.07.2023 passed by respondent no. 5 for recovery of the amount from the petitioner and for a direction upon respondent no. 4 to recover the arrears and interest under Section 39(5)(a) of the Employees' State Insurance Act, 1948 from respondent no. 6/ Principal Employer.

Learned counsel for the petitioners submits that respondent authorities have proceeded to recover the amount from the petitioners without putting any endeavour to recover the same from the principal borrower.

On the aforesaid, learned counsel for respondent nos. 1 to 5 submits that proper notices have been given to the petitioners on several dates, i.e., 10.08.2016, 11.01.2018, 26.03.2018 and 22.05.2018. He further contends that writ petition against a notice is not maintainable, even otherwise the petitioner no. 2 was only required to be present before the respondent no. 5 on 16.08.2023.

With the consent of learned counsel appearing for the parties, the writ petition is being disposed of finally, at this stage, in terms of the Rules of the Court.

Taking into consideration facts and circumstances of the case, a direction is issued that the petitioner no.2 will appear before respondent no 5 on 09.11.2023 with an application for redressal

of grievance, whereupon the respondent no. 5 shall pass reasoned and speaking order within a week thereafter. Till 18.11.2023 no coercive action shall be taken against the petitioners.

The writ petition is, accordingly, disposed of.

No order as to costs.

Order Date :- 19.10.2023

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