

Court No. - 6

Case :- WRIT - C No. - 34309 of 2023

Petitioner :- A.K. Associate

Respondent :- Deputy Director, Esic. And 3 Others

Counsel for Petitioner :- Chandra Bhan Gupta

Counsel for Respondent :- Ashish Agrawal, Arvind Kumar
Goswami, Rajesh Tewari

Hon'ble Mrs. Manju Rani Chauhan, J.

Present petition has been filed challenging order dated 04.09.2023 passed by respondent no.3, order dated 07.07.2021 passed by respondent no. 2 as well as order dated 06.12.2019 issued by respondent no. 1.

Learned counsel for the petitioner submits that initial order dated 06.12.2019 is an ex-parte order, which has been passed without affording any opportunity of hearing to the petitioner, and similarly the consequential orders dated 07.07.2021 and 06.12.2019 have also been passed in violation of principles of natural justice.

On 01.11.2023, this Court passed the following order:

"Heard Mr. Chandra Bhan Gupta, learned counsel for the petitioner, Mr. Arvind Kumar Goswami for respondents and Mr. Ashish Agrawal, learned counsel for respondent-Bank.

Learned counsel for the petitioner submits that Rs.1,00,000/- has already been recovered and he is ready and willing to deposit Rs.1,00,000/- from the remaining amount. The matter may be sent to the Revisional Authority to be heard on merits.

On the aforesaid, learned counsel for respondents prays for and is granted a week's time to obtain instructions in this matter.

Put up this case on 08.11.2023 as fresh."

Pursuant to afore-quoted order, learned counsel for the respondent Bank has received instructions, on the basis which, he submits that in case the petitioner deposits Rs. 1,50,000/- matter may be heard by the revisional authority afresh.

To the aforesaid, learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the aforesaid

amount. However, he submits that the account of the petitioner may be released from attachment.

I have heard Sri C.B. Gupta, learned counsel for the petitioner, Sri Arvind Kumar Goswami, learned counsel for the respondent nos. 1, 2 & 3, and Ms. Monika Garg, learned Advocate holding brief of Sri Ashish Agarwal, learned counsel for respondent no. 4. With their consent the writ petition is being disposed of, finally, at this stage, in terms of Rules of the Court.

In view of the above, the petitioner is directed to deposit Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand) within fifteen days from today, whereafter, in case the petitioner moves appropriate application before the respondent no. 1, same shall be decided in accordance with law within a period of next two months. Till then orders, impugned herein, are kept in abeyance and shall abide by the fresh order to be passed by respondent no. 1 thereafter.

As regards the request for release of attached account, the petitioner is at liberty to move an application before the appropriate authority, which shall be decided by it in accordance with law.

Needless to say that in case the petitioner fails to deposit the aforesaid agreed amount within the time as stipulated, it will be open for the authorities concerned to proceed in accordance with law.

With the aforesaid observations and directions, the writ petition stands disposed of.

No order as to costs.

Order Date :- 8.11.2023
DS