

Court No. - 6

Case :- WRIT - C No. - 38847 of 2023

Petitioner :- M/S Ravi Anand Interiors

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Padmaker Pandey, Sunil Kumar
Srivastava

Counsel for Respondent :- A.S.G.I., Pranjal Mehrotra, Rajesh
Tewari

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner, learned counsel for the respondent nos.2&3 and learned Standing Counsel for the respondents-State.

This writ petition has been filed by the petitioner with a prayer to quash the order dated 29.08.2022 passed respondent no.3, under Section 45A as well as the order dated 12.01.2023 passed by respondent no.2, under Section 45-AA of the Employees State Insurance Act, 1948.

Learned counsel for the petitioner, at the very outset, submits that against the order dated 29.08.2022, an appeal is provided under Section 45-AA of the Employees State Insurance Act, 1948, wherein 25% of the amount has to be deposited and the time limit provided to file the appeal is 60 days from the order. He further submits that 25% of the amount was deposited on 30.10.2022, which could not be transmitted in the said account, however, the petitioner again deposited the said amount on 01.11.2022, but the appeal has been rejected as time barred.

He further submits that there was no such delay in depositing the amount as the time provided in the Act is 60 days, which was up to 29.10.2022, therefore, two days delay in depositing the amount may be condoned and the matter may be heard afresh on merit.

On the other hand, learned counsel for the respondent nos.2&3 has raised an objection that the deposit is after a period of 60 days, therefore, relief as prayed cannot be granted.

After perusal of the records, this Court feels that in the interest of justice, only two days' delay should have been condoned by the

appellate authority.

In view of the above, the impugned order dated 12.01.2023 passed by the respondent no.2 is **set aside** with a direction to the respondent no.2 to decide the appeal so filed by the petitioner afresh, on merits, ignoring the delay, in accordance with law, after hearing all the parties, by a reasoned and speaking order, preferably within a period of three months from the date of production of a certified copy of this order without granting any unnecessary adjournment to either of the parties.

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.

For the period of three months from today or till such appeal is decided, whichever is earlier, no coercive measure shall be taken against the petitioner.

With the aforesaid direction, the present writ petition is **disposed of**.

Order Date :- 5.12.2023

Jitendra/-