

Court No. - 17

Case :- WRIT - C No. - 7762 of 2023

Petitioner :- M/S Avi Vision Infra Pvt. Ltd. Lko. Thru.
Proprietor Bhashkar Mall

Respondent :- U.O.I. Thru. Secy. Govt. Of India Ministry Of
Labour And Deptt. Of Employment, New Delhi And Another

Counsel for Petitioner :- Chandra Mohan, D.P. Dutt Tiwari

Counsel for Respondent :- A.S.G.I., Ambrish Rai, Mayankar
Singh, Shishir Pradhan

Hon'ble Alok Mathur, J.

1. Heard Shri D.P. Dutt Tiwari, learned counsel for the petitioner and Shri Mayankar Singh, learned counsel for opposite party No.2.

2. By means of this petition, the petitioner has assailed the order dated 24.4.2023 passed by opposite party no.2 under Section 45A of the Employees State Insurance Act, 1948 (hereinafter referred to as 'Act, 1948').

3. Shri Mayankar Singh, learned counsel for opposite party No.2 has drawn attention of this Court towards Section 45AA of the Act, 1948 which provides an alternative statutory remedy to file an appeal before the Appellate Authority. As per aforesaid Section, the appeal should be filed within a period of sixty days.

4. On being confronted the learned counsel for the petitioner as to when the impugned orders have been served upon the petitioner, he has drawn attention of this Court towards para 17 of the writ petition where he has categorically stated that the impugned orders have not been served upon the petitioner. Learned counsel has informed that the impugned orders have not been received to the petitioner.

5. Be that as it may, since, the petitioner has got alternative statutory remedy by filing appeal under Section 45AA of the Act, 1948, therefore, without entering into the merits of the issue, I hereby dispose of this writ petition finally at the admission stage, giving liberty to the petitioner to file an appeal before the Appellate Authority, taking all pleas and grounds which are available to him enclosing therewith an application for condonation of delay as well as interim relief application.

6. In case petitioner files an appeal before the appellate authority, same shall be considered and decided expeditiously, in accordance with law.

7. In view of the aforesaid terms, the writ petition is **disposed of.**

(Alok Mathur, J.)

Order Date :- 31.10.2023
RKM.