

27.08.2026
Item No.10
Ct. No. 30
Aloke

WPA 21861 of 2026

**Madhusudan Dey, proprietor of M/s. Dey
Construction & Co.
Vs.
The Employees State Insurance Corporation &
Ors.**

Mr. Subal Saha
Mr. B. Sengupta
... for the petitioner

Mr. Satyendra Agarwaly
... for the ESIC

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging an order under Section 45A of the ESI Act dated 15.01.2024, passed by the respondent authorities herein.
3. Learned counsel for the petitioner submits that they being contractors are not liable under the ESI Act as the workers are the employees of the principal employer being CESC Ltd.
4. Be that as it may, an order under Section 45A of the ESI Act is an appealable order and the petitioner has approached this Court after almost two years since the order was passed. The sole purpose for filing this writ petition seems to be to avoid limitation during this period, the petitioner failed to

comply with the said order and also did not prefer any appeal against the said order. Such conduct of the establishment should not be encouraged by the Courts.

5. Accordingly, the writ application having no merit stands dismissed.
6. WPA 21861 of 2026 is dismissed.
7. Connected application, if any, stands disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)