HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 5649 of 2026

M/S Nav Chetna Service Providing Agency Pvt. Ltd. Thru. Manager Somesh Vishnoi .....Petitioner(s)

Versus

The Deputy Director Employees State Insurance Corporation Lko. .....Respondent(s)

Counsel for Petitioner(s) : D.P. Dutt Tiwari, Chandra Mohan
Counsel for Respondent(s) : Ran Vijay Singh

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. Heard the learned counsel for the petitioner.

2. Under challenge is the order dated 16.10.2025 passed by the respondent.

3. Submission is that in terms of the notification issued by the respondent dated 10.01.2023, the provisions of the Employees State Insurance Act, 1948 are exempted and not applicable in the district of Baghpat.

4. It is urged that once the Act itself is not applicable, any order passed would de hors the provisions and be void abinitio.

5. Shri Shailendra Srivastava, learned counsel has put in appearance on behalf of the respondent and has filed his Vakalatnama which is taken on record. He submits that the petitioner has a statutory remedy of appeal. Since the issue involved is regarding the jurisdiction to entertain the petition in respect of the district where the circular of the respondent itself exempts, the applicability of the Act, this would be an order without jurisdiction and to ascertain the same, it may not be appropriate to refer the matter to the appellate authority, hence the objection regarding availability of a statutory remedy is over ruled.

6. Let the counter-affidavit be filed within three weeks. The petitioner shall have two weeks thereafter to file rejoinder-affidavit.

7. List this matter on 29th of July, 2026.

8. In case if the petitioner deposits 25% of the awarded sum before this Court within three weeks from today, the operation of the impugned order shall remain stayed.

(Jaspreet Singh,J.)

May 29, 2026
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Digitally signed by :-
ALI NEWAZ KHAN
High Court of Judicature at Allahabad,
Lucknow Bench