

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2969 of 2004

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M/S Searchlight Publishing House Ltd. (formerly known in the name and style of the Behar Journals Ltd.) having its registered office Budh Marg, Patna through its Secretary Banarsi Prasad Jhunhunwala.

.... Petitioner/s

Versus

1. The Employees State Insurance Corporation having its office at Panchdeep Bhawan, Kotla Road, New Delhi through its Director.
2. The Revisional Director, ESIC, having its office at Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800 001
3. The Deputy Director, ESIC, having its office at Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800 001

.... Respondent/s

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Appearance :

For the Petitioner/s	M/s Sanjay Singh and M. Apuru Harsh, Adv.
For the Respondent/s :	Mr. Ashotosh Ranjan Pandey, Adv.
For the ESIC	Dr. Anshuman, SC to ESIC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-04-2015

Heard learned counsel for the petitioner and learned counsel for the Employees State Insurance Corporation.

The petitioner is challenging the notice dated 1st August 2002 and order dated 5/2/2004 passed in a proceeding under Section 45A of the Employees' State Insurance Corporation Act in which The Deputy Director, Employees State Insurance Corporation has made escape assessment of Rs.8,79,073/- under the Employees' State Insurance Corporation, Act.

Under sections 75 read with 77 of the Employees' State Insurance Act, the disputed question can be resolved by

the Employees' Insurance Court and for adjudicating this issue about the assessment, it will require evidence from both parties to prove their respective cases. In the present proceeding, this Court would not like to enter into assessment of evidence for arriving to a particular findings, one way or other. It will not be prudent for this Court to enter into the merit of the case.

As there is already an Employees' Insurance Court available, the petitioner is directed to approach the aforesaid Court within a period of thirty days.

If such application is filed, the Employees' Insurance Department will not take any coercive action against the petitioner till the filing of petition and if any injunction petition filed till its decision. The time spent before this Court will be taken into consideration while examining the issue of limitation before the Employees' Insurance Court.

With the above observation, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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