

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20356 of 2011

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M/s Keshav Sheet Grih Pvt. Ltd., a company incorporated under the provisions of the Companies Act, 1956 having its registered office situated at Marwari Mohalla, P.O. ,P.S., Town & District- Begusarai through its Managing Director, Binod Kumar Hisaria, S/O Late Shiv Pratap Hisaria, R/O Marwari Mohalla, P.O., P.S., Town & District- Begusarai

.... Petitioners

Versus

1. The Employees' State Insurance Corporation (Esic) Having Its Office Situated At Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001 through its Regional Director
2. The Assistant Director Employees' State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001
3. The Dy. Director-Cum-Revenue Recovery Officer Employees' State Insurance Corporation, Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna-800001

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi

For the Respondent/s : Mr. (Dr.) Anshuman

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 17-08-2015 Heard Sri Akash Chaturvedi, learned counsel for the petitioner and Dr. Anshuman, learned counsel, who has appeared on behalf of respondent/Employees' State Insurance Corporation.

The present writ petition has been filed for quashing of an order dated 09-06-2011 passed under Section 45A of the Employees' State Insurance Act, 1948 (hereinafter referred to as the 'Act') on several grounds, however; at the very outset, Dr. Anshuman, learned counsel for the respondent/ESIC raises preliminary objection on the point of maintainability of the writ

petition. He submits that there is statutory remedy available to the petitioner under Section 45AA of the Act for filing appeal.

After the objection being raised, learned counsel for the petitioner makes a prayer for disposal of the writ petition so that the petitioner may avail statutory remedy.

In view of the facts and circumstances, the Court is of the opinion that writ petition can be disposed of granting liberty to the petitioner to avail statutory remedy of appeal.

Accordingly, the writ petition stands disposed of with liberty, as indicated above.

It goes without saying that if within a period of six weeks from today the petitioner files an appeal under the Act, the appellate authority, without going on the question of limitation, may examine the same on its own merit and decide it in accordance with law. This order has been passed keeping in view the fact that after the impugned order, the petitioner immediately approached this Court in the year 2011 itself and the matter was pending before this Court.

(Rakesh Kumar, J.)

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