

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.42050 of 2017

ORDER:

Heard Mr.D.Raghavendar Rao for petitioner and Mr.B.G.Ravinder Reddy, learned Standing Counsel for respondents 1 to 3.

The petitioner challenges communication dated 28.11.2017, wherein the bank account of petitioner's School is directed to be frozen by 3rd respondent.

Learned Standing Counsel submits that the petitioner has remedy of appeal against the order, dated 17/21.08.2017. The petitioner without availing the remedy of appeal by challenging the order dated, 17/21.08.2017 and communication dated 28.11.2017, filed the present writ petition and the same is not maintainable. He further contends that assuming the petitioner is relegated to the remedy of appeal, the petitioner is required to deposit 25% of the amount demanded through order, dated 17/21.08.2017.

The counsel for petitioner submits that the petitioner in the present writ petition is neither adverting to the merits available against the order dated 17/21.08.2017 nor inviting this Court to adjudicate all the issues which could otherwise be the subject matter before the appellate authority. The circumstance under which it is stated that the petitioner is compelled to invoke the jurisdiction of this Court is that on account of proceedings dated 28.11.2017, the activities of petitioner's school is striped.

I have taken note of respective submissions and the writ petition is ordered as follows:-

(a) The petitioner is given liberty to file appeal by enclosing a copy of this order within one week from today.

(b) The petitioner encloses to the memorandum of appeal proof of deposit of 25% of the amount demanded through order dated 17/21.08.2017.

(c) The appellate authority under Section 45-AA of the ESI Act considers and disposes of the appeal in accordance with law, as expeditiously as possible, preferably within three months from the date of filing of appeal.

(d) The order dated 17.21.08.2017 read with communication dated 28.11.2017 is suspended pending consideration and disposal of appeal by the appellate authority.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 13-12-2017

Note:

Issue C.C. in two days

(B/o)

Prv