

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8348 of 2017

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M/s Indus Integrated Information Management Limited, a company incorporated under the Companies Act, 1956 having its registered office at AE- 369, Salt Lake, Sector-1, Kolkata through its Authorized Signatory Amit Kumar, son of Late Ayodhya Prasad Singh, resident of 101, R.J. Enclave, Road No.12, Gokulpath, Patel Nagar, P.S.- Shastri Nagar, Distt- Patna 800023.

.... Petitioner

Versus

1. The Employees State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Opp. C.R. Building, Patna.
2. The Regional Director, Employees State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Opp. C.R. Building, Patna.
3. The Recovery Officer, Employees State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Opp. C.R. Building, Patna.
4. Bihar State Electronics Development Corporation Limited, an undertaking of Government of Bihar having its office at Beltron Bhawan, Shashtri Nagar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
Mr. Ajit Kumar, Advocate
For the Respondent Nos.1 to 3: Mr. Anshuman Singh, Advocate
For the Respondent No.4 : Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-09-2018

Heard Mr. Sandeep Kumar, learned counsel for the petitioner and Mr. Girijish Kumar, learned counsel appearing for the respondents.

2. The petitioner has prayed for the following reliefs in the present writ petition:-

- (i) For quashing of the impugned order communicated vide Letter dt. 15.12.2011 passed by the Respondent Assistant Director, Employees



State Insurance Corporation (hereinafter referred to as the Corporation), Patna in purported exercise of power under Section 45-A of the Employees State Insurance Corporation Act, 1948 (hereinafter referred to as the Act) whereby the Respondent determined the amount of contributions payable in respect of the employees of the petitioner a sum of Rs. 1,28,36,039/- for the period 1.10.2008 to 31.08.2011, as being wholly arbitrary and illegal;

(ii) For a direction to the Respondents to stay the proceeding under certificate initiated against the petitioner during the pendency of its E.S.I. Case No.06 of 2012 Employees Insurance Court, Patna;

(iii) For restraining the Respondents from taking any coercive measure and to recall the certificate issue vide letter no.6043 dated 02.05.2017 under section 45-C of the Act pending disposal of the aforesaid case of the Petitioner;

(iv) In the alternative for a direction to the Appellate Authority to dispose of the aforesaid case including the stay petition of the petitioner without any delay and/or for any other relief[s] for which the petitioner may be found entitled to in the facts and circumstances of the case.

3. A counter affidavit has been filed on behalf of respondent-Employees State Insurance Corporation wherein a preliminary issue regarding maintainability of the writ petition has been raised. It is contended in the counter affidavit that the petitioner



has already availed of the statutory remedy by way of filing a case before the Presiding Officer, Labour Court-cum-Employees Insurance Court under Section 75(1)(g) of the Employees State Insurance Act, 1948 (for short ‘the Act’) vide E.S.I. Case No.6 of 2012, which is pending for disposal.

4. Mr. Sandeep Kumar, learned counsel for the petitioner does not dispute the fact that the petitioner has already availed of the statutory remedy provided under Section 75(1)(g) of the Act vide E.S.I. Case No.6 of 2012.

5. In view of the admitted position of the parties, I am not inclined to entertain the present writ petition. It is dismissed, accordingly.

6. However, the Labour Court-cum-Employees Insurance Court would dispose of the case on merit without being influenced in any manner by the dismissal of the writ petition, as this Court has not examined the case on merit.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2018
Transmission Date	NA

