

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 79 of 2018**

M/s Sangha Erectors Private Ltd. Through its Managing Director, M/s Sangha Erectors Private Ltd. Plot No. 1-B, Vasavi Nagar Picket, Secunderabad, Hyderabad (Telangana).

---- Petitioner

Versus

1. Employees State Insurance Corporation, through its Regional Director, Regional Office, 102 Ramnagar Road, Kota, Raipur, C.G.
2. Assistant Director, Employees State Insurance Corporation, Regional Office, 102 Ramnagar Road Kota, Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Govind Dewangan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/03/18**

1. This writ petition has been preferred by the petitioner against the order dated 21.06.2017 (Annexure – P/1) passed by respondent No. 2 - Employees State Insurance Corporation under Section 45-A of the E.S.I. Act, 1948.
2. Learned counsel appearing for the petitioner would submit that the impugned order has been passed without affording opportunity of hearing to the petitioner and therefore is unsustainable and bad in law.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.
4. Since, the petitioner had preferred an appeal against the impugned order before the Appellate Authority under Section 45-AA of the E.S.I. Act, 1948 which has been dismissed in default by order dated 20.12.2017,

therefore, remedy of the petitioner is to make an application for restoration of the said appeal and if such an application is preferred by the petitioner before the Appellate Authority, then the said authority shall consider and decide the petitioner's appeal expeditiously. The petitioner would also be at liberty to make an application for stay before the concerned authority which will be decided expeditiously.

5. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge