

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15035 of 2017

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1. Patliputra Shoppers Plaza Pvt. Ltd., a Company registered under the Companies Act through its Director Anil Kumar, son of Late Chhathu Choudhary, Resident of 301, Maharaja Kameshwar Complex, P.S.- Kotwali, District- Patna.
 2. Anil Kumar, Son of Late Chhathu Choudhary, Resident of 301, Maharaja Kameshwar Complex, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The Regional Director, Regional Office, Employees State Insurance Corporation and Ors
2. The Appellate Authority, E.S.I. Regional Office Employees State Insurance Corporation, J.L. Nehru M
3. The Deputy Director-cum- Authorized Officer, Regional Office Employees State Insurance Corporation,
4. The Revenue Recovery Officer, Employees State Insurance Corporation, J.L. Nehru Marg, Panchdeep Bha

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Durgesh Pd. Sinha, Advocate
For the Respondent/s : Mr. Rabindra Kumar Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 17-05-2019 Heard learned counsel for the petitioners and learned
counsel for Employees State Insurance Corporation.

In this case, the petitioners are challenging the order dated 19.09.2017, which is a communication to the effect that the appeal of the petitioners, filed under Section 45 AA of the Employees State Insurance Act, 1948, has been rejected on the ground of delay, as the appeal was not filed within sixty days so the petition has been held to be not maintainable on the ground of barred by limitation.



Counsel for the Corporation submits that as there is no provision for condonation of delay, so rightly the Authority has rejected the appeal on account of filing the appeal beyond the time prescribed.

In such view of the matter, this Court is not inclined to interfere with the order dated 19.09.2017.

However, as the forum is available, the petitioners can challenge the order under Section 75 (1) (g) of the Employees State Insurance Act, 1948 before the court established under the said Act. If such application is filed with the condonation of delay, the Authority under the Act will consider the same on its own merit and take decision with respect to the condonation of delay.

With this observations, this application is disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

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