

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9614 of 2018

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M/s Hotel Coffee House through its Proprietor Shri Gopal Singh, son of Late Srikant Singh, resident of Dahiyawan Tola, Tari, P.O. Chapra, P.S. Chapra Muffasil, District - Chapra, Saran.

... .. Petitioner/s

Versus

1. The Employees State Insurance Company through its Commissioner, Panchdeep Bhawan, J.L. Nehru Marg, Patna-800001.
2. Commissioner, Employees State Insurance Corporation, Panchdeep Bhawan, J.L. Nehru Marg, Patna – 800001.
3. Recovery Officer, Employees State Insurance Corporation, Panchdeep Bhawan, J.L. Nehru Marg, Patna – 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raushan, Advocate Mr. Ujjawal Bhushan, Advocate
For the Respondent/s	:	Mr. Rabindra Kumar Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 09-08-2019 Heard learned counsel for the petitioner and learned counsel for the respondents.

In this case, the petitioner is challenging the order dated 02.04.2018 by which the Assistant Director-cum-Additional Commissioner-cum-Regional Director-cum-Appellate Authority has refused to entertain the appeal as the High Court has not pronounced on relaxation of limitation period.

Earlier the petitioner had come before this Court challenging the order passed in 45A proceeding and this Court refused to entertain the petition on account of availability of



statutory appeal as per Section 45AA of the Employees State Insurance Act.

Counsel for the Employees State Insurance Corporation submits that the petitioner should have approached the court constituted under the ESI Act under Section 75 (i) (g) of the Employees State Insurance Act, but straightway he has come to this Court.

As the Authority has not decided the case on merit, the order of the Appellate Authority refusing to entertain the appeal is set aside and the matter is remanded back to the Appellate Authority, who will consider the case of the petitioner on merit on giving relaxation of the period of limitation on account of the pendency of CWJC No.7168 of 2017 as well as pendency of the present case.

It is made clear that this Court is not giving any opinion on the merit of its case.

(Shivaji Pandey, J)

V.K.Pandey/-

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