

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23245 of 2018

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The Bihar State Food and Civil Supplies Corporation Ltd. Through the
Managing Director, B.S.F.C., R-Block, Patna.

... .. Petitioner

Versus

1. The Employees State Insurance Corporation through Director, ESI,
Panchdeep Bhawan, Jawaharlal Nehru Marg-Patna-1.
2. The Director, E.S.I, Panchdeep Bhawan, Jawaharlal Nehru Marg-Patna 1.
3. The Director E.S.I, Panchdeep Bhawan Jawaharlal Nehru Marg-Patna 1.
4. The Recovery Officer E.S.I, Panchdeep Bhawan Jawaharlal Neharu Marg-
Patna 1.
5. The Branch Manager, Andhra Bank, branch Offices, Exhibition Road, Patna
6. The General Manager, Indian Bank, BRJP, Ganga Bhawan Doctor's Colony
Malahipakri Chowk, Kankarbagh.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the E.S.I.C. : Mr. Sheo Narayan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 12-07-2019 Heard learned counsel for the petitioner and

learned counsel for the Employees State Insurance Corporation.

In this case, the petitioner is challenging the order
dated 27.06.2017 passed by the Deputy Director, E.S.I., Patna,
whereby and whereunder he has directed the petitioner to pay an
amount of Rs.9,57,207/-.

It appears that the petitioner without exhausting the
alternative remedy of appeal, has straightway approached this
Court.



In such view of the matter, this writ petition is disposed of with a direction to the petitioner to exhaust the alternative remedy by way of filing appeal before the Appellate Authority as provided under Section 45-AA of the E.S.I. Act. If such an appeal is filed, the Appellate Authority shall decide the same without unnecessary delay. While deciding the issue of limitation, the Appellate Authority will consider the pendency of this case before this Court.

There should not be any coercive action against the petitioner within 30 days from today. In the meantime, the petitioner may file an appeal and obtain necessary order with respect to the order passed by the Deputy Director, E.S.I., Patna.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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