

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11088 of 2019

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1. M/s Cosmos, A Firm situated at Pandooi Kothi, Subhjit Path, Boring Road, Patna through its proprietor Alok Kumar Singh.
 2. Alok Kumar Singh, S/o Late Vijay Kumar Parmeshwar, resident of Pandooi Kothi, Subhjit Path, Boring Road, Patna- 800001.

... .. Petitioner/s

Versus

1. The Employees State Insurance Corporation (ESIC), Labour and Employment Ministry, Government of India, through its Dy. Director, Panchdeep Bhawan, J.L. Nehru Marg, Patna- 800001.
2. The Dy. Director (Recovery) Office of the Revenue Recovery Officer, E.S.I Corporation, Bihar Panchdeep Bhawan, J.L. Nehru Marg, Patna- 800001.
3. The Assistant Director, ESIC Regional Office, Bihar Panchdeep Bhawan, J.L. Nehru Marg, Patna- 800001.
4. The State Bank of India, Rajbanshi Nagar Branch, Rajbanshi Nagar, Road No.- 1, Patna - 800015 through the Branch Manager.
5. The Branch Manager, State Bank of India, Rajbanshi Nagar Branch, Rajbanshi Nagar, Road No. -1, Patna- 800015.
6. Prabhat Kumar, S/o Late Suryadeo Singh, resident of SDHA SADAN, West of Gandhi Murti, Dujra, P.S.- Budha Colony, District- Patna- 800014.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Tiwary
For the Respondent/s : Dr. Anshuman

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 16-05-2019 Heard learned counsel for the petitioners and the respondents.

2. In this case, the petitioners are challenging the action of the Employees State Insurance Corporation, whereby an amount of Rs.10,00,000/- (ten lacs) has been realized from the account of the petitioners' company pertaining to the order dated 24.04.2019 initiated against M/S Cosmic, Pandui Kothi, Subhajib Path, Boring Road, Patna, vide Certificate no. 6938 for the period of January 2013



to July 2015, wherein the authority has made assessment of Rs.10,50,796/- (ten lacs fifty thousand seven hundred ninety six).

3. The learned counsel for the petitioners submits, petitioner company has 50% share in M/S Cosmic, Pandui Kothi and rest 50% share belongs to Prabhat Kumar (Respondent no.6), but instead of realizing the 50% share from Prabhat Kumar, entire money has been realized from the account of petitioners' company. This issue cannot be decided in a present proceeding. If the petitioners are feeling that they are liable to pay 50% of assessed amount, they may approach the authority concerned bringing all the facts to the notice of the Recovery Officer with the complete documents showing the petitioners, having 50% share in the company. In the present case, there is no challenge of order of assessment passed under section 45 (A) of the ESI Act and recovery proceeding has been initiated under section 45 (H) of E.S.I. Act. If such application is filed, the authority after giving due notice to the other side, would decide the matter within a period of eight weeks from the date of submission of application along with the copy of the present order.

4. Accordingly, this application is disposed of.

(Shivaji Pandey, J)

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