

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.880 of 2020

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M/s Maruti Nandan Food Products Pvt. Ltd. situated at Giddha Industrial Growth Centre, Ara Bhojpur through its Director Abhimanyu Kumar Singh (Male), aged about 34 Years, Son of Arjun Singh, resident of Mohalla-Rukunpura, Bailey Road (Besides Bihar Dalit Vikas Samiti), P.S. Rukunpura, District- Patna.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Labour Department, Government of India, New Delhi.
2. The Secretary, Labour Department, Government of India, New Delhi.
3. The Director, Employees' State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Patna.
4. The Assistant Director, Employees' State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Patna.
5. The Deputy Director, Employees' State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Patna.
6. The Recovery Officer, Employees' State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Bipul Kumar, Adv.
For the Respondents : Mr. Sheo Narayan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-02-2020 Heard learned counsel for petitioner and learned counsel for the Respondent- State.

By filing this writ petition on 14.01.2020, the petitioner seeks to assail an order dated 04.12.2018, passed under Section 45-A of the Employees' State Insurance Act (for short 'E.S.I. Act') whereby a sum of Rupees 1038,180/- is required to be deposited pursuant to such determination.

The petitioner's counsel submits that he has not been



given adequate opportunity of being heard. It is also his submission that no proper verification was done before the amount has been determined.

The learned counsel, representing the respondent authorities, submits that from the order passed under Section 45-A of the E.S.I. Act, it is apparent that the petitioner has been noticed and thereafter the order has been passed.

The submissions give rise to disputed facts whether there was a service of notice or not.

The petitioner had adequate remedy under Section 45AA and section 75 of the E.S.I. Act to raise all issues before the competent authority under the said two provisions, which he has not availed for the last more than one year.

Petitioner would be at liberty to avail the statutory remedy under the E. S. I. Act, in accordance with law.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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