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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2663 of 2020

1. M/s GRP Construction Partnership Firm, Through Its Partner Smt. Rajni Shrivastava, Aged About 56 Years Having Registered Office At B-1, Jeevan Vihar, Telibandha, Civil And Revenue District Raipur, Chhattisgarh
2. Smt. Rajni Shrivastava W/o Shri Gyan Prakash Shrivastava Aged About 56 Years M/s GRP Construction, R/o B-1 Jeevan Vihar, Telibandha, Civil And Revenue District Raipur, Chhattisgarh
3. Prateek Shrivastava S/o Shri Gyan Prakash Shrivastava Aged About 25 Years Partner, M/s Grp Construction, R/o B-1 Jeevan Vihar, Telibandha, Civil And Revenue District Raipur, Chhattisgarh

---- Petitioners

Versus

1. Union of India Through, The Secretary, Ministry Of Labour And Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. Employee State Insurance Corporation Through, Regional Director, Employee State Insurance Corporation, 107, Ramnagar Road, Jagannath Chowk, Kota, District Raipur, Chhattisgarh
3. The Deputy Director, Employee State Insurance Corporation, 107, Ramnagar Road, Jagannath Chowk, Kota, District Raipur, Chhattisgarh
4. Recovery Officer, Employee State Insurance Corporation 107, Ramnagar Road, Jagannath Chowk, Kota, District Raipur, Chhattisgarh

----- Respondents

For Petitioners	:	Mr. Harshal Chouhan, Advocate
For Union of India	:	Mr. Sharad Mishra, Advocate on behalf of Mr. Ramakant Mishra, Asst. S.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.11.2020

1. The grievance of the petitioners in the present writ petition is to the revenue recovery certificate issued by the respondent no. 3 on 05.12.2019 (Annexure P-3) ordering for recovering an amount of Rs. 2,25,991/-.
2. At the outset, this Court is not inclined to entertain the writ petition for the reason that the petitioner has an efficacious alternative statutory remedy available under law. The certificate under challenge is one which has been issued under the provisions of Employees' State Insurance Act. Section 75 of the said Act clearly envisages the procedure for challenging the order passed by the authorities under the ESIC Act that is by approaching the concerned ESI Court.
3. At this juncture, the learned counsel for the petitioners submits that because of the effect of the Covid-19 Pandemic, the petitioner was not able to approach the concerned ESI Court. Moreover, all the subordinate courts are closed since the time of the first lockdown, which took place on 24th March, 2020. The petitioner further submits that as of now, the grievance of the petitioners would stand redressed, if the petitioners are permitted to approach the ESI Court u/s 75. However, till the concerned court takes up the matter for considering the interim application, the respondents may be restrained from initiating any coercive steps against the petitioners.
4. Considering the limited relief that the petitioners have sought for in the present writ petition which has not been strongly opposed by the learned counsel for the respondent no. 1.

5. Accordingly, the writ petition at this juncture stands disposed off permitting the petitioner to approach the concerned ESI Court within a period of three weeks starting from today along with an application for condonation of delay, if required explaining the cause of delay. Upon such application being filed within three weeks along with an application for interim relief. Till the said application is considered by the concerned ESI Court, the respondent authorities are expected not to initiate any coercive steps pursuant to Annexure P-3 dated 05.12.2019.
6. With the aforesaid direction, the present writ petition stands disposed off.

Certified Copy today.

**Sd/-
(P. Sam Koshy)
Judge**

Rahul