

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17597 of 2021

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M/s Nishant Timber, Saguna More, Bailey Road, P.S.-Danapur, District-Patna
a Proprietorship firm through its Proprietor Mahesh Kumar, aged about 52
Years-Male, Son of Late Ram Ishwar Sharma, Resident of Flat No. 405, Shiv
Radhika Apartment, L.B.S. Nagar P.S.-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Labour and Employment, Government of Bihar, Patna.
2. The Additional Commissioner & Regional Director-Cum-Appellate Authority, Employees State Insurance Corporation, Panchdeep Bhawan, J.L. Nehru Road, Patna.
3. The Assistant Director-Cum-Authorized Officer, Employees State Insurance Corporation, Panchdeep Bhawan, J.L. Nehru Road, Patna.
4. The Social Security Officer, Employees State Insurance Corporation, Panchdeep Bhawan, J.L. Nehru Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Raghwendra Kumar (SC-22)
For Respondent Nos. 2, 3 & 4: Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
ORAL JUDGMENT

Date : 20-12-2021

Heard learned counsel for the parties.

2. The petitioner has filed the present writ petition challenging the order dated 17.08.2021 passed by the Additional Commissioner & Regional Director-cum-Appellate Authority, Employees State Insurance under the Employees State Insurance Act, 1948.

3. Only grievance of the petitioner is that his case was not heard on merits and was rejected on the ground that there was delay of 60 days.



4. This Court, thus, proposes to remit the case to the same authority for taking decision afresh.

5. The prayer is not opposed by the State Counsel.

6. Under the circumstances, the order dated 17.08.2021 passed by the Appellate Authority is set aside and the matter is remitted to the Appellate Authority for decision afresh as per law and on merits after affording opportunity of hearing to the parties.

7. The Appellate Authority shall decide the matter as early as possible, in any case, not later than three months from the date of receipt of a copy of this order.

8. The writ petition stands disposed of.

(Rajan Gupta, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA

