

Court No. 22

WPA 3116 of 2020

14.01.2021

(DL 14)

(S. Banerjee)

M/s. Au Bon Pain Café India Limited
Vs.
Regional Director, Employees State Insurance
Corporation, Kolkata & Ors.

Mr. S. P. Tewary
Mr. Avijit Tewary

... for the petitioner

Mr. Mihir Kundu

... for the ESIC

Pursuant to my direction passed in this matter, the respondent nos. 1, 2, 3 and 4 filed one report under affidavit affirmed on 21st December, 2020.

The petitioner has filed their reply thereto showing payment of ESI contribution from April, 2016 to September, 2016.

Today when the matter was taken up for hearing the learned advocate for the respondent authority submits that the contribution of the petitioner towards ESI is still unpaid for the period from October, 2017 to February, 2018.

The learned advocate for the petitioner has submitted that their unit is closed from July, 2017, which is also found from Annexure P-1 at page 25 of the writ application. But it does not appear that any such intimation was given to the respondent authorities by the petitioner.

During the course of hearing the learned advocate for the respondent authorities submitted that as the impugned order was an order under Section 45A of the Employees' State Insurance Act, the statute provides an

appeal to the party aggrieved under Section 45AA of the said Act.

I dispose of this writ application directing the petitioner to approach the appellate authority against the order dated 02.11.2018 (at page 28 of the writ application) under Section 45A within a period of 30 days from date wherein the petitioner is granted liberty to use all the papers used in this proceeding and also other relevant documents, if required, in course of the hearing of the appeal.

(Abhijit Gangopadhyay, J.)