

Court No. 22

WPA 4812 of 2020

22.03.2021

(DL 35)

(S. Banerjee)

M/s. VTR Marketing Private Limited & Anr.

Vs.

The Union of India & Ors.

Mr. Soumak Bera

... for the petitioners

Mr. Mihir Kundu

... for the ESI Corporation

Mr. Prabhat Kumar Srivastava

... for the HDFC Bank

The respondent bank appearing today has submitted that they have complied with the order passed in the Garnishee proceeding by the ESI authority.

The petitioners have demonstrated that on different dates, one after another, the amount jumped exceptionally from one amount to another amount for which they were not prepared and did not understand the reason for the same.

Learned advocate for the ESI corporation submits that under an order under Section 45A of the ESI Act, 1948, which is at pages 53 and 54 of the writ application, the calculation has been shown which comes to Rs. 8,54,997/-. The total amount that has been realised by way of Garnishee proceeding, is Rs. 13,70,138/- along with interest.

Though there is a provision of appeal against this, the petitioners, for some reasons, have not been able to prefer any appeal in this regard under Section 45AA of the Act.

However, I grant them an opportunity to prefer an appeal against the order, within a period of two weeks from date, showing their dissatisfaction about the enhancement of the amount.

The authority should hear the appeal without pressing the question of limitation because of this order passed in this court. The appeal has to be decided by 16 weeks from the date of preferring of the appeal.

Learned advocate for the ESI authority submitted that there should also be direction on the appellate authority for not granting unnecessary adjournments.

I direct that within this 16 weeks period not more than three adjournments should be granted to either of the parties. I make it clear, the total number of adjournments will be three in number.

The direction given by this court upon the petitioner company not to operate any of their bank accounts in this country for any purpose whatsoever, is recalled and now they have the liberty to operate those bank accounts.

The matter is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Abhijit Gangopadhyay, J.)