

ORDER SHEET
WPO/993/2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

UTPAL KUMAR GUHA
Versus
EMPLOYEES' STATE INSURANCE CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SUVRA GHOSH

Date: 5th May, 2022.

Appearance:

Ms. Sanjukta Dutta, Adv.

... for Petitioner.

Mr. Tarun Kanti Chatterjee, Adv.

Ms. Nabnita Mondal, Adv.

..for Respondent nos.1,2&3.

The Court :- Affidavit-in-opposition filed by the respondents and affidavit-in-reply filed by the petitioner are taken on record.

Prayer (b) of the petitioner in the writ petition is set out hereunder:

“(b) A writ of an/or in the nature of Mandamus commanding the respondent authorities and each one of them their men, agents, assigns and subordinates to rescind, recall, revoke and withdraw Notice dated 31.10.2019, application for recovery dated 17.02.2020, and demand notice dated 27.02.2020 and garnishee order dated 22/23.9.2021, and any other recovery action;”

It is submitted on behalf of the respondent authorities that the entire due amount has been paid by the petitioner through bank challans but the same has not been recorded in the register of the authority. Therefore,

there is no dispute with regard to the fact that the respondent authorities have no further claim against the petitioner with regard to payment of ESI contribution, in respect of the employees of the establishment. Recording of such deposit in the register of the authority is the responsibility of the authority itself and the petitioner can under no circumstances be held responsible for the same.

In view of the fact that the respondent authorities have no further claim against the petitioner, the writ petition is disposed of in terms of prayer (b) of the writ petition.

As a consequence, the petitioner is at liberty to withdraw the amount of Rs. 2,00,000/- along with interest accrued thereon, which was deposited by the petitioner before the learned Registrar, Original Side, High Court, Calcutta in terms of the order dated 8th October, 2021 subject to compliance of necessary formalities.

There shall be no order as to costs.

Urgent certified website copy of this order be supplied to the parties upon compliance with all requisite formalities.

(SUVRA GHOSH, J.)