

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.3024 OF 2022

***M/s.B.C.Mohanty & Sons Pvt. Ltd.,
Cuttack***

Petitioner

Mr.A.Mishra, Adv.

-versus-

***Employees State Insurance
Corporation, BBSR & ors.***

Opposite Parties

Mr.A.P.Ray, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
2.2.2022**

**Order
No.**

01. 1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties.
3. For the ground raised assailing the attachment order not available to be considered by the Executing Authority in exercise of power under Section 45-E(2) of the Employees' State Insurance Act, 1948, this Court finds, the Recovery Officer has the limited scope for withdrawing the certificate only in the event of availability of clerical and/or arithmetical mistake. The ground raised herein is ultimately challenging non-compliance of Statutory provisions available for the purpose of consideration of the Recovery Officer in exercise of power under Section 45-E(2) of the Employees' State

Insurance Act, 1948. This Court thus, declined to entertain such Writ Petition, which stands dismissed. The Petitioner, if so advised, may approach under appropriate law.

4. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout