

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.3058 OF 2022

Bihariji Containers Pvt. Ltd., BBSR

Petitioner

Mrs.S.Patnaik, Adv.

-versus-

Regional Director, ESIC, BBSR & ors.

Opposite Parties

Mr.A.P.Ray, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
3.2.2022**

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties. A copy of the Brief be served on Mr.A.P.Ray, learned counsel for the ESIC.
3. It is alleged that pending registration of the Appeal under the provision of Section 45AA of the Employees State Insurance Act, 1948, (in short, “the Act”), there has been issuing of attachment notice.
4. For the opinion of this Court, while filing Appeal under the aforesaid provision, the Petitioner has also filed an application for stay operation of the impugned order therein being passed under Section 45AA of the Act. Paragraph-4 of the said Application has a clear indication of deposit of 25% already lying with the Authority. At this stage, it is brought to the notice of this Court that pending registration of the Appeal and the Interim Application, the Authorities were busy in issuing notice of attachment. Keeping in view that when the Petitioner has already filed an Appeal under

Section 45AA of the Act, till the Interim Application is taken up by the Appellate Authority, there should not be any coercive action involving the Petitioner. The order of attachment remains stayed for four weeks subject to condition that the Petitioner has deposited at least 25% of the demand involved and subject to adjustment of deposit, if any, already made in the meantime at least within two weeks. The Interim Application at the instance of the Petitioner be disposed of within four weeks.

5. The Writ Petition stands disposed of accordingly.

6. 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