

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19450 of 2019

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M/s Vikash Construction Represented through its Managing Partner Pankaj Kumar, at Saboura, P.O.- Bor, P.S. Barauni, District- Begusarai (851114)

... .. Petitioner/s

Versus

1. Employees State Insurance Corporation Panchdeep Bhawan, Jawahar Lal Nehru Marg, Patna- 1
2. The Regional Director, E.S.I.C. Panchdeep Bhawan, J.L.N. Marg, Patna- 1.
3. The Deputy Director Cum Authorized Officer, E.S.I.C., Panchdeep Bhawan, J.L.N Marg, Patna-1.
4. The Assistant Director, E.S.I.C., Panchdeep Bhawan, J.L.N. Marg, Patna-1
5. The Recovery Officer, E.S.I.C., Panchdeep Bhawan, J.L.N. Marg, Patna-1
6. The Branch Manager, State Bank of India, Begusarai Refinery Campus Branch (1502) Begusarai- 851114.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baban Kumar, Advocate. Mr. Anand Sharan, Advocate.
For the Respondent Nos. 1 to 5	:	Mr. Sanjeev Kumar, Advocate Mr. Ashish Kumar Sinha, Advocate Ms. Preeti, Advocate.
For the Respondent No. 6	:	Ms. Satyendra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 23-02-2023 Heard learned counsel for the parties concerned.

The short fact involved in the present case is that the appeal filed by the petitioner under Section 45AA of Employee State Insurance Act (in short E.S.I. Act) has been rejected by the appellate authority on the ground that the same has been filed beyond the period of six weeks as granted by the Hon'ble High Court for filing appeal in CWJC No. 20973 of 2018 vide order dated 5.11.2018.



Learned counsel for the petitioner points out Annexure-6 which is an order passed in the aforesaid writ application and submits that though the order was passed on 5.11.2018 but the certified copy of the order was delivered to the petitioner on 10.04.2019 and after receipt of the certified copy, he immediately within six weeks has filed the appeal before the appellate authority along with the statutory amount. Accordingly, submission is that the appeal has been filed within six weeks' time granted by the Hon'ble High Court.

Learned counsel for the E.S.I. submits that if the petitioner files a fresh appeal along with condonation of delay petition stating the aforesaid fact, the same shall be considered by the appellate authority in accordance with law.

Having heard learned counsel for the parties and taking into consideration the material fact and the submission of learned counsel for the E.S.I., the impugned order at Annexure-7 is set aside and the petitioner is given liberty to file an appeal under Section 45AA of E.S.I Act against the order dated 6.4.2017 before the appellate authority along with condonation of delay petition and statutory amount within a period of four weeks.

It is made clear that if such an appeal is filed within



the aforesaid period, the same shall be considered in accordance with law by the appellate authority.

With aforesaid observation and direction, this writ application stands disposed of.

(Anil Kumar Sinha, J)

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