

14.12.2023
Court No.13
Item No. 179
pk

WPA 22618 of 2023

**Ocean Infra Properties Private Limited
Vs.
The Authorised Officer, Insurance Branch-1 and
another**

Mr. Anil Kumar Dugar,
Mr. Rajarshi Chatterjee

... for the petitioner.

Mr. Shiv Chandra Prasad

... for the respondents.

1. The petitioner is aggrieved by order dated 19th July, 2023 under Section 45-A of the E.S.I. Act, 1948 passed by the Authorised Officer, Insurance Branch-I.

2. It appears from the said order that the Authorised Officer did not receive any factual records from the employer. It however appears that the employer on 10.01.2023 filed balance sheet and audit report for the financial year 2019-20 and 2020-2021, salary Reconciliation Statements and EPFO returns, Constructions Site Attendance Sheets, EPFO ECR challans and PF reimbursement invoices. The same have not been taken into consideration by the Authorised Officer.

3. In those circumstances, the impugned order dated 19th July, 2023 shall stand set aside.

4. The petitioner shall be entitled to file further documents in addition to those already filed with the

authorities. The writ petitioner and/or his authorised representative shall be entitled to personal hearing before the Authorised Officer.

5. Let a formal objection to the demand raised by the Authorised Officer also be filed and considered. After considering all documents and the submissions of the petitioner and/or his authorised representatives, the said Authorised Officer may pass fresh orders in accordance with law.

6. The aforesaid exercise shall be completed within a period of three months from date.

7. Let the petitioner file his reply and documents afresh as indicated above within a period of 15 days from date.

8. The writ petition is disposed of.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)