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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28624 of 2022

M/s. Sharp Ferro Alloys Limited
Vs.
Union of India & Ors.

Ms. Rita Mukherjee
Mr. A. Das
... For the petitioner.

Mr. Subal Maitra
Mr. Arindam Maitra
... For the respondent nos. 2 and 3.

Challenging orders passed under Section 45A as also under Section 45AA of the Employees' State Insurance Act, 1948 (hereinafter referred to as the "said Act"), the present writ application has been filed.

In my view, the petitioner has an efficacious alternative remedy under Section 75 of the said Act. I also find that the Employees' Insurance Court is competent to waive or reduce the amount of deposit as is required to be made under Section 75 (2B) of the said Act.

I have been informed by the parties that the petitioner had already deposited 25 per cent of the demand made by the respondents while filing its appeal under Section 45AA of the said Act.

In the event, the petitioner approaches the Employees' Insurance Court for adjudication of its disputes and makes an application in terms of proviso to Section 75(2B) of the said Act, praying for waiver and

reduction of the pre-deposit amount, the same shall be considered by the Employees' Insurance Court in accordance with law.

With the aforesaid observation, the writ application stands disposed of by permitting the writ petitioner to approach the Employees' Insurance Court for redressal of its grievances.

Since no affidavit-in-opposition has been called for, the allegations made in the petition are deemed to have been denied by the respondents.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)