

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7179 OF 2018**

Employees Insurance Corporation

....Petitioner

V/s.

M/s. Afcons Infrastructure Ltd.

....Respondent

Mr. Shailesh S. Pathak i/by. Mr. H.V. Mehta, for the Petitioner.

Mr. Aumkar Joshi, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 19 October 2023.

P.C. :

1. Mr. Pathak, the learned counsel appearing for Petitioners, on instructions seeks leave to withdraw the petition. He however submits that the issue raised in the present petition be kept open to be agitated in appropriate proceedings.

2. Mr. Joshi would submit that the petition has infact been rendered infructuous on account of final order passed by the Employees Insurance Court and compliance of that order by the Respondent. Mr. Pathak would further submit that the issue as to whether the ESI Court would have jurisdiction to decide validity of

notice issued under Section 85 of the Employees State Insurance Act, 1948, be kept open. Leaving the issue raised in the present case open to be agitated, the Petition is allowed to be **withdrawn and disposed of**.

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SANDEEP V. MARNE, J.