

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1140 of 2024

1. M/s Mehandi At Heera Palace, Dak Bungalow Road, P.O.- G.P.O., P.S.- Kotwali, Dist.- Patna, Bihar -800001, Through Its Managing Partner Shri Aditya Kumar Agarwal, Male, Aged About-55 Years, S/o Late Sitaram, Resident of 102, Sanghmitra Apartment, Road No.- 6C, P.O.- Rajendra Nagar, P.S.- Kadam Kuan, Patna- 800016, Bihar.
2. M/s Mehandi Extension, At Heera Palace, Dak Bungalow Road, P.O.- G.P.O., P.S.- Kotwali, Dist- Patna- 800001, Bihar, Through Its Sole Proprietor Shri Rakesh Kumar Agarwal, Male, Aged About- 58 Years, S/o Late Sitaram, Resident of 201, Sanghmitra Apartment, Road No- 6C, P.O.- Rajendra Nagar, P.S.- Kadam Kuan Patna- 800016, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Labour And Employment, Govt of India, Shram Shakti Bhawan, Rafi Ahmad, Kidwai Marg, New Delhi.
2. The Employees State Insurance Corporation, through Director General, ESIC Corporation, Regional Office, Panchdeep Bhawan, C.I.G Marg, New Delhi-110002.
3. The Regional Director, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, J. L. Nehru Marg, Patna-800001.
4. The Assistant Director, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, J. L. Nehru Marg, Patna-800001.
5. The Recovery Officer, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, J. L. Nehru Marg, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deo Prakash Singh, Adv.
For the Respondent/s	:	Mr. Rakesh Kumar Sinha, CGC
For the ESIC	:	Mr. Bindhyachal Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

10 21-09-2024 The present writ petition is filed assailing the order dated 19.09.2023 whereby the petitioners have been directed to deposit 50 per cent of the total amount passed under Section 45 A of the E.S.I. Act. Though the learned counsel for the petitioners has argued at length on merits of the case and stated



that the units of the Petitioner No. 1 and Petitioner No. 2 are both different, distinct, having different registrations and having different addresses but the authority without taking into consideration the same has clubbed the two units together and passed the order under Section 45 A of the E.S.I. Act. Learned counsel has stated that the units of the petitioners if separately taken do not have more than six employees each and, therefore, the provisions of the E.S.I. Act would not be applicable to them. That though the petitioners have filed appeals along with the waiver applications seeking waiver of the mandatory deposit of 50 per cent of the assessed amount, the authority without considering the grounds raised has passed the impugned order.

2. Heard the learned counsel for the respondents.

3. This court is of the opinion that the ends of justice would be served if the amount directed to be deposited by the petitioners is reduced to 25 per cent of the amount assessed under Section 45A for numbering and hearing the appeal on merits. The petitioners shall deposit 25 per cent of the amount assessed under Section 45A. On such amount being deposited, the appellate authority shall number the appeal and pass orders on merits. The deposit of the above amount is subject to the result of the final orders likely to be passed by the appellate



authority.

4. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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