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ORDER SHEET

WPO 76 of 2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/S. EKOHS GAUGES & TOOLS PVT LTD & ANR.
VS.
EMPLOYEES STATE INSURANCE CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 4th April, 2024.

Mr. Victor Chatterjee, Mr. Sidhartha Sharma, Mr. Rishav Dutt, Mr.
Swarbhanu Bhattacharya, Advocates for the petitioners.

Mr. Santanu Kr. Mitra, Sr. Govt. Advocate, Mr. Subhabrata Das, Advocate for the State.

Dr. Sutanu Kumar Patra, Advocate for ESI Corporation.

Mr. Shyamal Mukherjee, Mr. Ganga Prasad Mukherjee, Advocates for Union of India.

The Court : The learned Advocate for the writ petitioners has taken instructions in terms of the direction given on 2nd April, 2024. The petitioners are agreeable to deposit 50% of the claimed amount by a demand draft on any nationalised bank before the Employees' Insurance Court, West Bengal, Kolkata in Tender Case No.160 of 2023 within 18th April, 2024. In the event such deposit is made, the order dated 12th December, 2023 passed by the Employees' Insurance Court, West Bengal, Kolkata rejecting the petitioners' application under Section 75(2B) of the Employees' State Insurance Act, 1948 shall stand rescinded and/or set aside and the injunction application shall be reheard on merits without being influenced

by any observations contained in the order dated 12th December, 2023 or in the instant order.

It is made clear that this Court has not gone into the merits of the matter and the Employees' Insurance Court, West Bengal, Kolkata shall be free to deal with all the issues afresh. It is further made clear that in the event of the petitioners failing to deposit the amount as directed by 18th April, 2024 as directed by this order, this order directing rehearing of the injunction application afresh by recalling the rejection order dated 12th December, 2023 shall stand automatically vacated without any further reference.

Nothing further remains to be adjudicated in this writ petition.

Accordingly, the writ petition being WPO 76 of 2024 is disposed of.

Since I have not called for any affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(ARINDAM MUKHERJEE, J.)