

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1855/2023
M/S. DIAMOND ENTERPRISE AND ANR.
-VS-
EMPLOYEES STATE INSURANCE CORPORATION AND ANR.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 4th January, 2024.

Appearance :
Mr. U. Banerjee, Adv., for petitioner.
Mr. Kundu, Adv., for respondent.

The Court: 1. The petitioners claim that their bank account has been frozen by the ESI authorities without any proceeding under the Act.

2. Counsel for the ESI authorities has produced an order under section 45A of the ESI Act, dated July 12, 2018, whereby a sum of Rs.1,82,325/- has been found due and payable for the period between June 2013 and March 2016. The Garnishee order dated November 21, 2023 appears clearly in aid of the execution of the said order dated July 11, 2018.

3. Counsel for the petitioner submits that there is reference in the garnishee order to five several proceedings. The liability of the company should, therefore, be much higher.

4. This Court need not enter into the said issue.

5. In that view of the matter, this Court believes that there has been suppression of material facts by the petitioners.

6. The writ petition shall stand dismissed with costs assessed at Rs.11000/-.

(RAJASEKHAR MANTHA, J.)

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