



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO.7783 OF 2019

M/S AKSHAY SAHAKARI PAT SANSTHA MARYADIT, THROUGH MANAGER SHAILENDRA B. KAUTKAR

VS

THE EMPLOYEES STATE INSURANCE CORPORATION NAGPUR, THROUGH DIRECTOR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.M. Kharkate, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR AND SMT. M.S. JAWALKAR, JJ.
DATE : 26.03.2024

1. Heard.
2. In the present writ petition, a challenge is raised to the show cause notice dated 09.10.2019 issued by the Assistant Director, Sub-Regional Office, Employees' State Corporation SRO-Nagpur.
3. The learned counsel for the petitioner submits that reply to the show cause notice has already been filed and because of the pendency of this writ petition, no order has been passed.
4. It is also pointed out that the application for dropping the applicant from the proposal of implementation and registration of employee of the factories & establishment under section 1(3)/1(5) of the Employees' State Insurance Act, 1948 as per the show cause notice dated 09.10.2019, pending since 30.10.2019 with the Director of Employee State Insurance Corporation, Nagpur. Even the said representation is not yet decided.

5. On showing disinclination to entertain the present writ petition against the show cause notice, for the reason that the petitioner has a liberty to raise all the grounds, which are raised in the present writ petition, before the Assistant Director by way of the reply and if any adverse order is passed, the petitioner has every rights to challenge the said order, the learned counsel for the petitioner, upon instructions, seeks permission to withdraw the present writ petition with liberty to file a petition, if such occasion arises.

6. He further prays for direction to the Director, Employees' State Insurance Corporation/respondent to decide the application dated 30.10.2019 filed under Section 45(A) of the Employees' State Insurance Act, 1948.

7. In the above referred backdrop, the petitioner is permitted to withdraw the present writ petition with liberty to file afresh, if such occasion arises.

8. The respondent is directed to decide the above referred application, filed by the petitioner on 30.10.2019, at the earliest.

9. The writ petition is **disposed of** as withdrawn.

[SMT. M.S. JAWALKAR, J.]

[ANIL S. KILOR, J.]