

12.08.2025
Ct. No. 30
S.L. No.3
SM

WPA 2061 of 2025
Invincible Indian Construction Pvt. Ltd.
Versus
Union of India & Ors.

Mr. Sanjay Saha
Mr. Sk. Jayed Hossain
.....for the petitioner
Mr. Bodhisatta Biswas
.....for the respondent no. 2 to 5
Mr. Anjan Sengupta
Ms. Rama Ghosh Dastidar
.....for the respondent no. 1

- 1.** Supplementary affidavit as per leave granted is filed.
- 2.** The writ application has been preferred challenging the order dated 02.09.2024 passed by the authority under Section 45AA of the ESI Act.
- 3.** Learned counsel for the ESI authority submits that against an order under Section 45AA of the ESI Act, the relief lies before the Employees Insurance Court, as per Section 75 of the Act.
- 4.** Accordingly, the writ application is disposed with liberty granted to the petitioner to approach the ESI Court, challenging the order passed under Section 45AA of the Act dated 02.09.2024.
- 5.** As there is a delay, the petitioner is directed to approach the Court within 30 days from the date of this order and accordingly the period of limitation is extended for 30 days from this date in the interest of justice.

6. Pending filing of an application under Section 75 before the ESI Court as directed, the order under Section 45AA of the ESI Act dated 02.09.2024 and the recovery notice dated 14th May, 2025 issued during the pendency of the writ application, be stayed till the matter is taken up by the ESI Court.

7. The petitioner is at liberty to pray for appropriate interim reliefs before the ESI Court.

8. It is made clear that in case the petitioner does not approach the ESI Court as per leave granted, the order of stay shall stand automatically vacated on expiry of the period as stated in this order.

9. This Court has also not gone into the merit of the Case, which the ESI Court will hear and dispose of independently.

10. Writ application stands disposed of.

11. Applications, if any, connected thereto stand disposed of consequently.

12. Interim order, if any, stands vacated.

13. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]