

06.05.2025
Item No.12
Ct. No. 30
Aloke

WPA 6687 of 2025

**Simpson & Munro (India) Private Limited
Vs
The Employees State Insurance Corporation of
India & Ors.**

Mr. Rahul Parasram Puria
Mr. Altamash Alim
Mr. Udit Agarwal
Ms. Saloni Agarwal
... for the petitioner

Mr. Shiv Chandra Prasad
... for the EPFO

Affidavit-of-service filed be kept with the
record.

The present writ application has been
preferred challenging the order dated 15th October,
2024 passed under Section 45A of the Employees
State Insurance Act, 1948.

On hearing the learned counsels for the
parties and on perusal of the order being challenged it
appears that sufficient opportunity was granted to the
petitioner. But in spite of being given sufficient
opportunity the petitioner did not avail of the same
and the authority concerned passed an order under
Section 45A of the ESI Act.

Being aggrieved with the order the present
writ application has been preferred challenging the
said order.

At the time of hearing the learned counsel for
the petitioner submits that the only relief prayed for

by him is that he may be granted an opportunity of hearing by the authority concerned in the interest of justice and a date may be fixed by the Court.

On hearing the parties and considering the materials on record and in the interest of justice, the order under challenge dated 15th October, 2024 is hereby kept in abeyance till 30th August, 2025.

The petitioner is directed to appear before the authority concerned on 11th June, 2025 for hearing and the authority shall then grant an opportunity to the petitioner to present his case with evidence in accordance with law.

In case the petitioners appears on 11th June, 2025 as directed and places his case, the authority concerned shall pass a fresh judgment which shall include consideration of the evidence produced by the petitioner and a reasoned order shall be passed, based on such records and consequently the order under challenge dated 15th October, 2024 shall not be given effect to, on the same being quashed.

In case the petitioner fails to appear on the date as directed by this Court, then the order kept in abeyance as directed shall be revived and the order under challenge shall remain in force.

WPA 6687 of 2025 is accordingly disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)