

30.06.2025
Ct. No. 30
S.L. No. 9
SM

WPA 7276 of 2025
M/S Dolphin Inn Pvt. Ltd.
Vs.
Employees' State Insurance Corporation & Anr.

Mr. Uddipan Banerjee
Mr. Subhrakanti Samanta
.....for the petitioner

Mr. Anil K.R. Gupta
.....for the respondents

The writ application has been preferred challenging the recovery/demand notices issued after the petitioner has challenged the order passed under Section 45A of the ESI Act dated 14th September, 2022.

Learned counsel appearing for the petitioner submits that he has challenged the said order by invoking the provision under Section 75 (1) (g) of the Act.

It is further submitted that though the said proceeding was initiated in the year 2022, it has not been disposed of till date, but the respondent/ESI is continuing to issue recovery notices in respect of the said period under challenge vide notices dated 23.12.2024 and 07.02.2025, as such the writ petition has been initiated.

Learned counsel for the respondents/ESI submits that there is another order under Section 45A

of the ESI Act passed in the year 2018 and that order, till date has not been challenged by the petitioner.

On perusal of the recovery notice it is apparent that the recovery period is till the year 2021, which is part of the pending proceeding under Section 75 (1) (g) of the ESI Act.

Considering the said facts the writ application is disposed of with the direction that the proceeding under Section 75 (1) (g) of the ESI Act be disposed of expeditiously and pending hearing the respondent/ESI authorities are restrained from issuing any further notice upon the petitioner in respect of the period of contribution which is part of the said pending proceedings. The notices dated 23.12.2024 and 07.02.2025 be also accordingly stayed till disposal of the proceedings under Section 75 (1) (g) of the ESI Act.

It is made clear that this Court has not gone into the merit of the present case.

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

Interim order, if any, stands vacated.

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]