

11.04.2025
Item No.12
Ct. No. 30
Aloke

WPA 7747 of 2025

**Progressive Advertising & Marketing Agency
represented by its proprietor Sashi Prabha Agarwala
Vs
Employees State Insurance Corporation of India &
Anr.**

Mr. Rahul Parasrampuria
Mr. Altamash Amin
Ms. Disha Agarwal
Mr. Udit Agarwal

... for the petitioner

Mr. Satyendra Agarwral
Mr. Goutam Malik

... for the respondents

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

The present writ application has been
preferred against an order dated 15th October, 2024
passed under Section 45A of the Employees State
Insurance Act, 1948 (as amended).

Admittedly, no appeal under Section 45AA of
the Act has been preferred against the said order.

It appears that the period of limitation has
also expired for preferring such appeal.

One of the contentions of the petitioner herein
is that the petitioner never applied for any registration
under the Act and the petitioner vide a letter dated
11.09.2024 informed the Regional Director, ESI
regarding the said facts.

It is submitted that the said letter of the
petitioner was neither considered by the Regional

Director nor the Deputy Director who decided the matter under Section 45A of the Act.

Accordingly, the writ application is disposed of with liberty granted to the petitioner to prefer an appeal under Section 45AA of the Act before the appellate authority. The period of limitation be calculated from the date of this order.

It is further directed that the appellate authority shall also consider the case of the petitioner regarding not having applied for registration under the Act and decide the same in accordance with law.

The said direction is passed, as it appears that the authority while deciding the matter under Section 45A of the Act, has not noted his consideration on the issue, in the order under challenge.

WPA 7747 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, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)