

**IN THE HIGH COURT AT CLACUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

1 12.6.25.
S.D.

WPA 11514 of 2025

**Big Appetite Hospitality Private Limited and Anr.
Vs.
Employees' State Insurance Corporation & Ors.**

Mr. Rashmi Singhee For the Petitioners.

Mr. Bodhisatta Biswas For the Respondents.

The present writ application has been preferred praying for direction upon the respondents to set aside the impugned Assessment Order bearing Reference No. N/Ins.I/41-00-062079-000-1101/42412/2438 dated September 17, 2024 and a further prayer that the respondents be restrained from proceeding with the Recovery Notice (Form C-19) dated February 19, 2025, bearing Reference No. C/INS-I/41000620790001101/2720251026.

It is the case of the petitioners that an appeal under Section 45(AA) of E.S.I. Act, 1948 has been preferred before the appellate authority but in spite of an appeal pending before the appellate authority since 11th November, 2024, the ESI Corporation is proceeding against the petitioners' company by issuing notices dated 7.2.2025 and 11.4.2025 for recovery under Section 45(C) to 45(I

)of the ESI Act, 1948.

Admittedly, the appeal preferred under Section 45 (AA) of the ESI Act on 11.11.2024 is still pending. The appeal has not been disposed of till date and this is within the knowledge of the ESI Corporation.

In view of the said fact, the notices dated 7.2.2025 and 11.4.2025 issued by the authorized officer and the recovery officer of the ESI Corporation are stayed still disposal of the appeal under Section 45AA of the ESI Act.

The respondent ESI Corporation is further directed not to proceed against the petitioners till disposal of the appeal by the appellate authority.

The petitioners have approached the writ court praying for such relief as there has been no action on the part of the appellate authority since filing of the appeal on 11.11.2024, in spite of several applications made before the appellate authority.

Let a copy of this order be sent to the ESI Corporation and the Appellate Authority at once.

All parties shall act on the server copy of this order duly downloaded from the official website of this court.

Petitioners are granted liberty to communicate the server copy of this order to the

Authorities concerned.

The writ petition being WPA 11514 of 2025
is accordingly disposed of.

Urgent certified photocopy of this order, if
applied for, be supplied to the parties on priority basis.

Shampa Dutt(Paul), J.