

08.09.2025
Item No.04
BR

WPA 20405 of 2025

M/s. Hiltake Electronics (P) Ltd.
-vs-
Employees State Insurance Corporation
and Ors.

Mr.Sujit Sankar Koley
... for the petitioner

Mr. Shiv Chandra Prasad
.... For the ESI

1. The writ application has been preferred challenging the order dated 3.7.2025 passed by the respondent no. 2/appellate authority by rejecting the appeal preferred by the petitioner against an order dated 10th April, 2025 passed by the respondent Deputy Director under Section 45A of the said Act.
2. Learned counsel appearing for the Employees State Insurance is present.
3. On hearing the learned counsel for the parties and considering the materials on record, it appears that an appeal had been preferred on 20.6.2025

against an order dated 10.04.2025 passed under Section 45A of the ESI Act the appeal was filed on 20.6.2025.

4. The appellate Tribunal has dismissed the appeal on 3/8.7.2025 on ground of limitation on the finding that there has been a delay in filing the appeal. The appellate authority has stated that the appeal was not filed within the statutory period of 60 days.
5. It is the case of the petitioner that the copy of the order dated 10.04.2025 was received by the petitioner only on 2.5.2025 which was required to prefer an appeal and the same is substantiated by the track report at page 40 of the writ application.
6. Considering the said facts and in the interest of justice, the delay(10 days) in preferring the appeal under Section 45AA of the ESI Act is hereby condoned.
7. The order of dismissal dated 3/8.7.2025 is set aside.
8. The appeal is restored to its own file and number and the appellate authority is directed to

dispose of the appeal on hearing the parties on notice in accordance with law, on merit by passing a reasoned order, expeditiously.

9. Writ application stands disposed of.
10. Connected application, if any, stands disposed of.
11. Interim order, if any, stands vacated.
12. Parties to act on the server copy of this order.

(Shampa Dutt (Paul), J.)