

27.10.2025
Item No.4
Ct. No. 30
Aloke

WPA 22574 of 2025

Rajesh Saha
Vs.
Union of India & Ors.

Mr. Agniswar Chwodhury
... for the petitioner
Mr. Pinaki Bhattacharyya
Mr. Sourav Mondal
... for the respondent no. 1/UOI
Mr. Rajib Roy
... for the respondent nos. 2 to 4

1. The writ application has been preferred challenging an order dated 20.05.2025 passed by the appellate authority under Section 45AA of the ESI Act, 1948.

2. On hearing the parties, it appears that the appellate authority vide the order under appeal has been pleased to dismiss the appeal on the following findings :

*“However, you may appreciate that although you have filed the instant appeal u/s 45AA within 30 days of order dt 24.03.25 of the Hon’ble High Court. You **have not deposited the prescribed amount of 25% as required to be deposited for appeal u/s 45AA** and hence the appeal does not satisfy the criterion set u/s 45AA of the ESI Act and found to be devoid merit for further consideration by the Appellate Authority.*

Accordingly, in view of above, your appeal u/s 45AA has not been accepted due to reason mentioned above.”

3. The petitioner submits that a certain amount has already been paid by him to the authorities concerned and, as such, he is not required to pay the mandatory deposit which is a condition precedent for preferring an appeal.

4. Learned counsel appearing for the EPF Authorities submits that the payment which was made by the petitioner was in compliance of an order passed under Section **45G** of the EPF Act.

5. It is submitted that the Appellate Authority thus disposed of the appeal in accordance with law as directed by the Court.

6. On hearing the parties and considering the materials on record, this Court finds no irregularity in the order but considering that the appeal has been disposed of on a technical ground and not on merit, this Court in the interest of justice, permits the petitioner to prefer an appeal within 30 days from the date of this order on payment of the requisite amount, as to be deposited and if the requisite amount is deposited while preferring an appeal, the appeal shall be admitted by the Appellate Authority and also be disposed of on merit in accordance with law.

7. Pending hearing of the appeal, the order under challenge shall remain suspended.

8. In case no appeal is preferred as directed the order of suspension of the order under challenge shall stand vacated.
9. The writ application stands disposed of.
10. Connected application, if any, stands disposed of.
11. Interim order, if any, stands vacated.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)