

24.09.2025
Ct. No. 30
S.L. No. 13
SM

WPA 22629 of 2025
Dilkas Traders
Versus
Employees' State Insurance Corporation & Anr.

Mr. Uddipan Banerjee
Mr. Subhrakanti Samanta
.....for the petitioner
Mr. Shiv Shankar Banerjee
.....for the ESI

- 1.** The writ application has been preferred challenging an order dated 25th April, 2024 passed under Section 45A of the ESI Act, 1948 assessing the contribution to the tune of Rs. 2,30,262/- for the period 04/2019 to 03/2023 and the prohibitory order dated 1st September, 2025.
- 2.** It is submitted by the learned counsel for the petitioner that as the petitioner was suffering from ailments he could not appear before the authority concerned.
- 3.** As the order under Section 45A of the ESI Act is an appealable order under Section 45AA of the Act, the writ application is disposed of with the direction that the petitioner is at liberty to approach the appellate Court within 30 days from the date of this order.
- 4.** Pending filing of the appeal the order dated 25.04.2024 passed under Section 45A of the ESI Act and the prohibitory order dated 1st September, 2025

be stayed till filing of the appeal and subject to extension by the appellate authority.

5. The period of limitation is extended accordingly. The petitioner is granted liberty to pray for appropriate relief before the appellate authority on filing of the appeal.

6. In case the petitioner does not prefer an appeal as directed, the order of stay shall stand vacated automatically and the respondent authorities shall be at liberty to proceed in accordance with law.

7. Writ application stands disposed of.

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

9. Interim order, if any, stands vacated.

10. 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]