

24.09.2025
Item No.07
BR

WPA 22959 of 2025
Monohor Enterprise
-vs-
Employees State Insurance and Ors.

Mr. Uddipan Banerjee,
Mr. Subhrakanti Samanta
... for the petitioner

1. The writ application has been preferred challenging the order dated 18th November, 2024 passed in under Section 45A of the ESI Act, 1948 assessing the contribution to the tune of Rs. 3,13,005/- for the period 08/2017 to 02/2017.
2. An order under challenge is appealable under Section 45AA of the ESI Act.
3. The petitioner has further prayed for recalling the Prohibitory Order dated 2nd September, 2025 attaching the bank account of the petitioner maintained with the Punjab National Bank, Chelod branch till disposal of the writ application.

4. Learned counsel for the petitioner further submits that during pendency of the writ application a sum has already been transferred to the authorities concerned by the bank.
5. On hearing the learned counsel for the parties, the writ application is disposed of with the direction that the petitioner herein is at liberty to prefer a statutory appeal within 30 days from the date of this order. In case the appeal is preferred then the order dated 18th November, 2024 passed under Section 45A of the ESI Act and Prohibitory Order dated 2nd September, 2025 be stayed till filing of the appeal, when the petitioner shall be at liberty to pray for appropriate interim relief.
6. In case no appeal is preferred as per leave granted, the order of stay shall stand automatically vacated and the respondent authorities shall be at liberty to proceed in accordance with law.
7. The period of limitation is also extended for a period of 30 days to enable the petitioner to prefer an appeal as per leave granted.

8. It is made clear that this Court has not gone into the merit of the case.
9. WPA 22959 of 2025 stands disposed of.
10. Parties to act on the server copy of this order.

(Shampa Dutt (Paul), J.)