

S/L 7
22.12.2025
Court No.10
Swd

WPA 24363 of 2025

**M/s. Manpower India
Vs.
Employees State Insurance Corporation & Ors.**

*Mr. Nayan Rakshit,
Mr. Nilay Rakshit.*

... for the Petitioner.

Mr. Soumi Guha Thakurata.

... for the Respondent No.1 and 2.

*Mr. Santanu Kumar Mitra,
Mr. Sudip Sarkar.*

... for the State.

1. Heard the parties through their respective learned Counsels.
2. The petitioner prays leave to file a supplementary affidavit to treat the same as a part of the writ petition.
3. Such leave is granted and the same is kept on record.
4. The petitioner in the instant supplementary Affidavit prays inter alia, for the following reliefs:

“Considering the facts and circumstances it is submitted that Hon’ble Court would be graciously be pleased to accept the Supplementary Affidavit and to be treated as part of the writ petition and further to stay the operation of the order passed by the Learned ESI Court dated 01.12.2025 in tender case No. 19 of 2025 till the case is pending before this Hon’ble Cort and restore the case and

not to take any coercive action against the writ petitioner by the ESI authority in view of the order dated 05.12.2024 passed under Section 45A of the ESI Act.”

5. It is submitted that in spite of an application filed for adjournment dated 14.11.2025, the ESI Court rejected the same on 01.12.2025 by dismissing the tender case 2019 for non-compliance of the Court's earlier order dated 08.09.2025.
6. The learned Counsel for the respondent submits that the cause espoused in the writ petition does not survive since the same has been rejected by the ESI Court by an order dated 01.12.2025. The entire proceedings has come to an end and a fresh cause of action has arisen.
7. After careful consideration of the matter I find that the ESI Court has arbitrarily exceeded its jurisdiction in passing the order of rejection dated 01.12.2025 without considering the intent and purport of the application filed by the petitioner.
8. In view of the above, the order dated 01.12.2025 is hereby quashed and is set aside directing inter alia, the ESI Court to revisit the grounds taken in the application for adjournment by passing a reasoned order in accordance with law.
9. It is made clear that the ESI Court shall entertain the said application upon being satisfied by the proof of payment of 30% of the claimed amount as directed by the order dated 5.12.24. the amount shall be

deposited by way of a demand draft in the account maintained by the ESI Court within a period of 2 weeks from the date of the communication of the order. It is further directed that the ESI Court shall consider the application preferably within 2 weeks thereafter.

10. Since affidavits are not called for, the allegations made in this writ petition deemed not to have been admitted by the respondents.
11. With the above observation and directions, this writ petition WPA 24363 of 2025 is disposed of.
12. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)