

28.03.2025
Item No.14
Ct. No. 30
Aloke

WPA 25177 of 2024

**Axis Bank Limited & Anr.
Vs
Regional Director, Employees' State Insurance
Corporation, Regional Office, Kolkata & Ors.**

Mr. Debtanay Banerjee
Ms. Sayanti Roy Chowdhury
... for the petitioner

Ms. Suchismita Ghosh Chatterjee
Mr. Moloy K. Seal
... for the respondent nos. 4, 5 and 6

Mr. Santanu Chatterjee
Mr. Soumyak Bhattacharjee
Mr. S. Sarkar
... for the respondent no. 7

The writ application has been preferred against a defaulter order dated 01.08.2024 and garnishee order dated 17.09.2024.

Vide an order dated 04.10.2024 a Coordinate Bench in the present writ application by passing an order had stayed the RBI from deducting the amount of Rs.1,91,69,853/- which was to be recovered as per the order of the ESI.

The learned counsel for the petitioner today submits that during pendency of the writ application the learned Judge, ESI Court has set aside the order dated 12.06.2024 which is the initial order passed by the ESI against which the garnishee order was passed.

It is submitted that as the original order has been set aside, consequently the subsequent orders being the garnishee order challenged in the writ application are also not in force and thus cannot be executed.

Accordingly, in view of the order dated 11.12.2024 passed in Tender Case No. 92 of 2024 by the ESI Court, the orders challenged in the writ application being the defaulter order dated 01.08.2024 and garnishee order dated 17.09.2024 under Section 45G of the Act have now become infructuous.

Accordingly, the directions passed in this case vide order dated 04.10.2024 has also now become infructuous and need not be acted on by the parties.

Let the report on affidavit filed by the petitioner along with a copy of the order of the ESI Court be kept with the record.

Learned counsel for the petitioner has handed over a copy of the order dated 11.12.2024 passed by the ESI Court upon the learned counsel appearing for the RBI.

WPA 25177 of 2024 is accordingly disposed of as infructuous.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)