

02.09.2025
Ct. No. 30
S.L. No. 16
SM

WPA 26770 of 2024
HSB Private ITI
Versus
Union of India & Ors.

Mr. Gaurav Purkayashta
.....for the petitioner
Mr. Arindam Maitra
.....for the ESIC

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging an order passed under Section 45AA of the ESI Act.
3. By way of a supplementary affidavit, the petitioner has placed an order of execution (prohibitory order) dated 27.11.2024, wherein the said order has been sought to be put into execution.
4. It is further stated that the writ application was filed on 06.11.2024 and the said order seeking to execute the order under challenge, has been passed during pendency of the writ application.
5. Section 75 of the ESI Act provides the provision wherein a person being aggrieved with an order passed under Section 45AA of the ESI Act, has to approach the ESI Court with his grievance.
6. On hearing the learned counsels for the parties, the writ application is disposed of with

liberty granted to the petitioner to approach the ESI Court under Section 75 of the ESI Act within 30 days from the date of this order.

7. Period of limitation, if any, is extended accordingly, in the interest of justice.

8. Pending hearing of the appeal, the order under Section 45AA of the ESI Act and the prohibitory order dated 27.11.2024 be stayed, till disposal of the proceedings under Section 75 of the ESI Act.

9. In case the petitioner does not approach the ESI Court as per leave granted, the order of stay shall stand automatically vacated, on expiry of the period noted in the order.

10. It is made clear that this Court has not gone into the merits of this case.

11. Writ application stands disposed of.

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

13. Interim order, if any, stands vacated.

14. 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]