

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3731 OF 2025

M/s. The Alert Services

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Akshay Deshmukh a/w Mr. Sumit Chaudhary, for the Petitioner.

Mr. Rohan Sawant, 'B' Panel counsel for the Respondent-State

Mr. Shailesh Pathak, for the Respondent Nos.2 & 3.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 26th JUNE 2025.

P.C.:-

1. The Petitioner seeks to set aside the order dated 3rd December 2019 passed by the Deputy Director of Employees State Insurance Corporation (E.S.I) Corporation in office letter No.33000485970001099.

2. Mr. Rohan Sawant, the learned panel counsel representing the State and Mr. Shailesh Pathak, learned counsel appearing for the Respondent Nos.2 & 3, submit at the very outset that the Petitioner

has an alternate efficacious remedy of filing an appeal before the E.S.I. Court under Section 75(1)(g) of the Employees' State Insurance Act, 1948.

3. Considering the aforesaid submission, the learned counsel for the Petitioner, on instructions, seeks leave to withdraw the Petition with liberty to file appropriate proceedings before the E.S.I. Court. He, however, requests that the delay in preferring the appeal before the E.S.I. Court may be condoned as the present proceedings were pending before this Court.

4. Liberty as sought is granted. The appropriate forum/E.S.I Court is requested to consider the time spent by the Petitioner before this Court while dealing with the condonation of delay application, if so made before it. In any case, the Respondents state that they will not raise any objection regarding limitation before the E.S.I. Court.

5. Accordingly, Petition is disposed off as withdrawn with the aforesaid liberty.

6. It is made clear that the we have not considered the matter on merits and hence, all contentions of all the parties, on merits, are kept open.

7. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)