

02.02.2026
Ct. No. 30
SL No. **12**
MKP

WPA 1863 of 2026

M/S Awadh Security Service (P) Ltd.

Vs.

Employees State Insurance Corporation And Anr.

Mr. Uddipan Banerjee

Mr. Subhrakanti Samanta

.....for the Petitioner

Ms. Soumi Guha Thakurta

.....for the Respondent nos.1 & 2.

1. Affidavit of service filed be kept with the record.

2. The writ application has been preferred praying for recalling of the notice in Form-CP 2, dated 30th December, 2025.

3. On hearing the Learned Counsels for the parties and on perusal of the materials on record, it appears that the petitioners appeal under Section 45AA of the ESI Act has been dismissed for default by the ESI, Court on 6th August, 2025.

4. The petitioner has filed a Misc. Case for restoration of the appeal being no.46 of 2025 on 24.11.2025, which has been fixed for hearing on 06.03.2020.

5. The Court has fixed for hearing on the next date on 06.03.2026.

6. It is in the said interim period that the Respondent/Recovery Officer has issued a notice of demand based on the order passed under Section 45A of the ESI Act, which is under challenge before the Appellate forum. Even though, the fact is that the appeal has been dismissed for default and a Misc. Case praying for its restoration is pending, herein.

7. It is not the fault of the petitioner, that the next date has been fixed after 5 months.

8. Considering the said fact and in the interest of justice, the Recovery notice dated 30.12.2025 is hereby stayed till the disposal of the Misc. Case 46 of 2025 by the ESI, Court, in accordance with law.

9. It is further directed that till the disposal of the said Misc. Case, no coercive action shall be taken against the petitioner, herein.

10. The writ application stands **disposed of**.

11. Applications, if any, connected thereto stands disposed of consequently.

12. Interim order, if any, stands vacated.

13. 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]