

17.02.2026
Item No.21
Ct. No. 30
Aloke

WPA 2416 of 2026

Dulal Chandra Mondal
Vs
Union of India & Ors.

Mr. Shambhunath Ray
Ms. Tuhina Parvin
Ms. Afrin Parvez
... for the petitioner

Mr. Anil Kr. Gupta
... for the respondent/EPF authorities

1. The writ application has been preferred challenging a notice dated 17.01.2025 being the alleged Garnishee Order under Section 45-G of the Employees' State Insurance Act, 1948 as amended attaching the bank account of the petitioner.
2. As none appears for the respondent/EPF authorities, Mr. Anil Kr. Gupta, learned counsel, present in Court, is appointed to represent the respondent/EPF authorities. Let his appointment be regularized by the appropriate authority.
3. Petitioner to serve a copy of the writ application upon Mr. Gupta at once.
4. It appears from the documents annexed to the writ application that the said notice has been

issued for recovery of the dues as per an order passed under Section 45A of the ESI Act. The said order is an appealable order but the petitioner submits that he was unaware of the said order and has only become aware of the same on receiving the impugned notice.

5. Considering the said facts and materials on record and in the interest of justice, the writ application is disposed of with a direction that the writ petitioner herein is at liberty to file an appeal under Section 45AA of the ESI Act within 30 days from the date of this order.
6. The period of limitation is thus extended for a period of 30 days, in the interest of justice and the order under Section 45A of the ESI Act and the impugned notice under challenge be stayed for a period of 30 days.
7. The order of stay shall stand automatically vacated if no appeal is preferred as directed and the authority shall be at liberty to proceed in accordance with law.
8. WPA 2416 of 2026 stands disposed of.
9. Application, if any, connected thereto stands disposed of consequently.
10. It is made clear that this Court has not gone into the merits of the case while considering the maintainability of the writ application.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)