

10.02.2026
Item No.3
Court 30
Aloke

WPA 2241 of 2026

M/s. NIS Management Ltd.

-vs-

**Employees' State Insurance Corporation &
Anr.**

Mr. Uddipan Banerjee,
Mr. Subhrakanti Samanta
... for the petitioner

Mr. Dipak Ranjan Mukherjee
... for the respondent

1. Affidavit of service filed by the petitioner be kept with the record.
2. The writ application has been preferred praying for staying of operation of the notice in Form C-19 dated 21st November, 2025 and Notice in Form CP-2 dated 14th January, 2026.
3. On hearing the learned counsels for the parties and on perusal of the materials on record, it appears that the petitioner's appeal under Section 75(1)(g) of the ESI Act has been dismissed for default by the ESI Court on 16th September, 2025.
4. The petitioner has filed a Misc. Case for restoration of the appeal being no. 50 of 2025 on 08.12.2025, which has been fixed for hearing on 10.03.2026.
5. The Court has fixed for hearing on the next date on 10.03.2026.
6. It is in the said interim period that the respondent/Recovery Officer has issued a notice of

demand and recovery 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 before the appellate forum.

7. It is not the fault of the petitioner that the next date for hearing has been fixed after 6 (six) months.

8. Considering the said fact and in the interest of justice, the demand notice dated 21.11.2025 and the recovery notice dated 14th January, 2026, are hereby stayed till the disposal of the Misc. Case 50 of 2025 by the ESI Court.

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. Application, 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.)