

12.02.2026
Ct. No. 30
S.L. No. 25
SM

WPA 3123 of 2026
M/s. Ram Das & Anr.
Versus
Employees' State Insurance Corporation & Ors.

Mr. Uddipan Banerjee
Mr. Subhrakanti Samanta
.....for the petitioner
Mr. Dipak Ranjan Mukherjee
.....for the ESIC/respondent no. 1 & 2

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging an order passed under Section 45A dated 31st May, 2024 of the ESI Act and recall of notice in form C-19 issued by the respondent authorities.
3. An order under Section 45A of the ESI Act is an appealable order.
4. It is submitted by the learned counsel for the petitioner that as the establishment has closed down, the petitioner was not aware of the order passed under Section 45A of the EPF Act and has come before this Court when the recovery notice dated 04.12.2025 has been issued.
5. It is further submitted by the learned counsel for the petitioner that the period for which the order under Section 45A has been passed is **during the covid pandemic** as such the petitioner is unable to meet the demands/claim of the respondent authorities.
6. Considering the submissions made by the parties the writ application is disposed of with liberty granted

to the petitioner to prefer an appeal against the impugned order under Section 45A of the ESI Act within 30 days from the date of this order.

7. Period of limitation is extended for 30 days in the interest of justice.

8. The order under Section 45A and the impugned notice dated 04.12.2025 be stayed till the stay application is taken up for hearing by the tribunal. The respondent authorities are further directed not to take any further coercive action against the writ petitioner till the stay application is considered by the tribunal.

9. It is made clear that in case the petitioner does not prefer an appeal within the period as directed, the order of stay as granted by this Court shall stand vacated automatically.

10. **Writ application stands disposed of.**

11. Applications, if any, connected thereto stand 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]