

16.02.2026
Ct. No. 30
S.L. No. 20
SM

WPA 3270 of 2026
Sumit Hazra proprietor of Hazra Engineering
Works
Versus
The Employees State Insurance Corporation &
Ors.

Mr. Subal Saha

.....for the petitioner

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging an order under Section 45A of the Employees' State Insurance Act, 1948 relating to Certificate Case No. C-37272/15-16/RRC and garnishee order dated 21.04.2025 and the show cause notices dated 15.01.2026 issued by the recovery officer.
3. It is the case of the petitioner herein that the petitioner was not aware that an order under Section 45A of the ESI Act has been passed by the authority concerned and as such he has not been able to challenge the said order when recovery notice has been served. His date of knowledge is claimed from 15.01.2026 when recovery notice has been served. Several medical papers have been annexed.
4. Considering the fact that the impugned order is an appealable order, the writ application is disposed of with the direction that the petitioner herein shall prefer an appeal before the appellate authority within 30 days from the date of this order.

5. Period of limitation is extended accordingly in the interest of justice for a period of 30 days.

6. In the event of the petitioner preferring an appeal within the period as directed, the impugned orders being under Section 45A of the ESI Act and the Certificate Case garnishee orders dated 21.04.2025 issued under Section 45G of the ESI Act and the notice dated 15.01.2026 issued by the Recovery Officer shall remain stayed till the matter is taken up by the appellate authority, as it is submitted by the learned counsel for the petitioner that presently there is no regular Presiding Officer at the tribunal.

7. It is further directed that the authority concerned shall not take any further coercive action against the petitioner if an appeal is preferred as directed, till further orders of the tribunal.

8. In case no appeal is preferred as per leave granted, the order of stay shall stand automatically vacated on expiry of 30 days and the authority concerned shall be at liberty to proceed against the petitioner in accordance with law.

9. **Writ application stands disposed of.**

10. Applications, if any, connected thereto stand disposed of consequently.

11. Interim order, if any, stands vacated.

12. 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]