

19.02.2026
Item No.38
Ct. No. 30
BR

WPA 3713 of 2026

**M/s. New Narayan Binding Works and another
-vs-
ESIC and ors.**

Mr. U.Banerjee ,
Mr. Subhrakanti Samanta

... for the petitioner
Mr. Dipak R. Mukherjee,

.. for the respondent

1. Affidavit of service filed by the petitioner be kept with the record.
2. The writ application has been preferred challenging a Garnishee order dated 30th July, 2025 and 30th July, 2025 issued under Section 45G of the ESI Act, 1948..
3. It appears that the said order has been passed under Section 45A of the ESI Act dated 4.12.2013.
4. It is the contention of the petitioner that the petitioner was not aware of such an order being passed and till date he has not received the order and it is only after the garnishee order was served upon him, that the petitioner realised that such an order has been passed.
5. It appears on perusal of the order under Section 45A of the ESI Act dated 4.12.2013 that the petitioner was duly

represented before the authority concerned on 16.2.2012 and since then the petitioner did not appear any further in the said hearing.

6. More than 12 years have passed since the order has been passed and this Court finds no merit in the submission of the petitioner herein who has ignored his statutory duties has approached the Court for relief, which if granted shall be against the principle of natural justice.
7. The petitioner herein relies upon the judgment of the Hon'ble Supreme Court in ***M/s Srinivasa Rice Mill -vs- Employee State Insurance Corporation, reported in 2006 Supreme (SC) 1094*** on the ground that the petitioner establishment is not covered under the ESI Act.
8. It is submitted that only six employees are working in the said establishment and it does not come within the purview of ESI Act.
9. Considering that the judgment of the Hon'ble Supreme Court was passed in the year 2006, it was open to the petitioner to raise the point of jurisdiction before the authority concerned during

the hearing under Section 45A of the ESI Act, which initially the petitioner attended and subsequently failed to do so.

10. Considering the said conduct of the petitioner, the writ application having no merit stands dismissed and is accordingly disposed of.

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

(Shampa Dutt (Paul), J.)