

22.05.2026
Item No.8
Court No. 30
MKP

WPA 11573 of 2026

**M/S Proventus Management Solution
 Limited**

-vs-

**The Employees State Insurance
 Corporation Regional Office And Ors.**

Mr. Nilay Rakshit
 Mr. Nayan Rakshit

..... for the Petitioner

Mr. Arijit Dey
 Mr. D.R.Mukherjee

.....for the Respondent/ESIC

1. The writ application has been preferred being aggrieved by a recovery notice dated 07-20/11/2025 and Form ESI, CP-II, dated 12.06.2025.
2. Both of which has admittedly been issued by the ESI Authorities, during pendency of the ESI appeal being tender Case No.112 of 2025 which was finally disposed of on 09.01.2026.
3. As such it appears that the recovery notices and the steps taken for attachment of bank account has been admittedly done when the appeal was subjudice and the ESI Authorities were also aware of the said pendency of the said appeal.

4. Vide the impugned order dated 09.01.2026, it appears that the ESI Authority Court has set aside the order under Section 45A dated 28-29/07/2025.
5. Matter has been remanded back with a direction to hear the matter afresh within six(6) months from the date of the said order.
6. Learned Counsel for the ESI Authorities submits that they have preferred an appeal against the said order dated 09.01.2026 under Section 82 of the ESI Act being FMAT No.158 of 2026 and service has been effected upon the petitioner.
7. Learned Counsel for the petitioner submits that due to the bank attachment he is unable to operate his bank account and as such he is unable to run his business and pay the salary and wages, to his employees.
8. The said submission is countered by the Learned Counsel for the ESI Authorities who states that only the specified amount of Rs.3,01,231/- has been kept on hold/lien.
9. At present, it appears from the document at page 103 to the writ application that the said bank account has a balance of Rs.444764.91/-. As such the submission made by the Learned Counsel for the petitioner that he is unable to run

his business is not prima facie substantiated by this document.

10. Accordingly, the writ application is disposed of with the direction that the petitioners bank account be defreezed at once by keeping on hold/lien an amount of Rs.3,01,231/-.
11. It appears from the said document that the said amount of Rs.3,01,231/- has been kept on hold/lien and as such nothing prevents the petitioner from operating the account in respect of the remaining amount.
12. The writ application stands **disposed of**.
13. Applications, if any, connected thereto stand disposed of consequently.
14. Interim order, if any, stands vacated.
15. 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.)