

g.b.
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18.03.
2026
Ct. No.30

CO 2154 of 2023
With
CAN 1 of 2026

**M/s Pradip Dey & Anr.
Vs.
Employees State Insurance Corporation**

**Mr. Uddipan Banerjee
Mr. Subhra Kanti Samanta
.....For the Petitioners
Mr. Mihir Kundu
....For ESI Corporation**

1. The civil revision has been preferred against order no. 3 dated 31st May 2023, passed by learned Judge, Employees Insurance Court, Calcutta in respect of Tender Case no. 27 of 2023.
2. Vide the impugned order, the learned Judge, ESI Court, directed as follows:

“that the petition U/S 75(2B) of the ESI Act, dt. 07.02.2023 filed by the applicants against the O.P. Corporation is hereby allowed in part by directing the applicant to deposit 30% of the claimed amount to the O.P. Corporation by 17.07.2023.

On the other hand the petition, dt. 07.02.2023 filed by the applicants praying for injunction against the O.P. Corporation is hereby allowed as prayed for by directing the corporation not to take any coercive action whatsoever against the applicants till date.

The injunction order is subject to the deposition of the above stated 30% of the claimed amount.

The petition U/S 75(28), dt. 07.02.2023 and the petition, dt. 07.02.2023 filed by the applicants praying for injunction are accordingly disposed of on contest with out any order as to cost.

To date for filing report of compliance.”

3. Both parties have filed their respective written notes and relied upon judgements annexed therein.

4. The petitioner relied upon the judgements in (i) **M/s Biswapita Cold Storage Pvt. Ltd. Vs. Employees State Insurance Corporation & Ors.** and (ii) **Employees State Insurance Corporation Vs. Mackintosh Burn Ltd.**
5. The opposite party relied on the judgement of (a) a Co-ordinate Bench in CO 701 of 2020 dated 29.07.2024 in the case of **M/s L. K. Shishu Shiksha Niketan Vs. Employees' State Insurance Corporation & Anr.** and (b) **Alagappa Spinning Mills Pvt. Ltd. Vs. Employees State Insurance Corporation** reported in **2010 Supreme (Mad) 5638.**
6. The opposite party has also filed a copy of instruction dated 10th March, 2026 given by the Branch Officer, Legal Branch, ESI Corporation, Kolkata wherein it is stated :

“In reference to the Case No. CO 2154

of 2023 (M/s. Pradip Dey & Anr. Versus - Employees' State Insurance Corporation) pending before the Hon'ble High Court at Calcutta, it is hereby informed that the Employees' State Insurance Corporation (ESIC) has no objection if the petitioner/employer opts to avail the benefit under the New Amnesty Scheme, 2025.

Accordingly, the matter may be settled in terms of the provisions of the said Scheme, subject to fulfilment of all the conditions prescribed therein.

In this regard, it is also respectfully submitted that for availing the benefit under the New Amnesty Scheme, 2025, the present case may kindly be permitted to remain pending until the process of settlement under the Scheme reaches its logical conclusion, and necessary steps for settlement/withdrawal of the case may

thereafter be taken in accordance with the Scheme and with the leave of the Hon'ble Court.

This communication is issued with the approval of the Competent Authority.”

7. Accordingly, in view of the order of the Co-ordinate Bench in **M/s Biswapita Cold Storage Pvt. Ltd. (supra)** and having found no irregularity in the impugned order, I direct the petitioner to comply with the same by making the deposit of 30% (less than the mandatory deposit) by 31st March, 2026.

8. On receiving the deposit as directed, the tender case shall be disposed of on merit expeditiously.

9. Liberty is also granted to the parties to avail/give the benefit of Amnesty Scheme as per the email/instruction dated 10th March, 2026, with leave of the ESI Court.

10. **CO 2154 of 2023** is disposed of.

11. Urgent photostat certified copy of

this order, if applied for, be given to the parties on urgent basis after compliance of all usual formalities.

(Shampa Dutt (Paul), J.)