

27.01.2026
Item No.07
BR

WPA 17099 of 2021
M/s. Industrial Handling Private Ltd.
(erstwhile M/s. Industrial Handling)
-vs-

**Employees State Insurance
Corporation (ESIC) and Ors.**

Mr. Asim Kumar Chatterjee ,
Mr. Rajni Mukherjee,
Ms. Mahuya Ghosh,
Mr. Somnath Roy Choudhury,
Ms. Satabdi Dey,
Mr. S. Majumder
... for the petitioner

Mr. Subal Maitra,
Mr. Arindam Maitra
.. for the respondent no. 1 and 2

1. The writ application has been preferred challenging an order passed under Section 45AA of the Employees State Insurance Act, 1948.
- 2.** Learned counsel appearing for the ESI authorities submits that Section 75 of the ESI Act provides the provision wherein a person being aggrieved with an order passed under Section 45AA of the

ESI Act, has to approach the ESI Court with his grievance.

3. On hearing the learned counsels for the parties, the writ application is disposed of with liberty granted to the petitioner to approach the ESI Court under Section 75 of the ESI Act within 30 days from the date of this order.
4. Period of limitation, if any, is extended accordingly, in the interest of justice.
5. Pending hearing of the appeal, the order under Section 45AA of the ESI Act dated 26.01.2024 be stayed, till disposal of the proceedings under Section 75 of the ESI Act.
6. In case the petitioner does not approach the ESI Court as per leave granted, the order of stay shall stand automatically vacated, on

expiry of the period noted in the order.

7. It is made clear that this Court has not gone into the merits of this case.

8. Writ application stands disposed of.

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

10. Interim order, if any, stands vacated.

11. 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.)