

13.02.2026
Item No.30
Ct. No. 30
Aloke

**WPA 19107 of 2025
with
CAN 1 of 2025**

**B.M. Bagaria & CO. & Anr.
Vs.
Employees State Insurance Corporation & Ors.**

Mr. Shyamal Sarkar
Mr. Kumar Gupta
Mr. Sailen Sengupta
Mr. Pramod Kr. Bagaria
Ms. Hamika Saraf

..for the petitioners

Mr. Shiv Chandra Prasad

... for the ESI Corporation

1. The writ application has been preferred challenging notices dated December 5, 2024, January 27, 2025, March 6, 2025, July 1, 2025 and July 28, 2025, passed by the respondent/ESI authorities on the ground that the provisions of the ESI Act is not applicable to the petitioner partnership firm.
2. In course of hearing, the petitioner has again raised the issue about non-application of the ESI Act.
3. Admittedly, the petitioner firm has filed a representation before the authorized officer being the respondent no. 3 herein on 8th April, 2025.
4. It appears that the said representation has not been considered by the said respondent no. 3 till date.
5. Accordingly, on hearing the parties, the writ application is disposed of with the direction that the respondent no. 3 shall consider the representation dated

8th April, 2025 filed by the petitioner before the respondent no. 3 and on hearing all the stake holders consider the said representation and dispose of the same within 60 days from the date of communication of this order by passing a reasoned order, in accordance with law.

6. It is made clear that this Court has not gone into the merit of the writ application and, as such, the authority is at liberty to come to its independent findings.

7. WPA 19107 of 2025 stands disposed of.

8. Connected application, if any, stands disposed of.

9. Interim order, if any, stands vacated.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)