

30.01.2026
Item No.32
Ct. No. 30
Aloke

WPA 27944 of 2025

**North Sea Shipping & Logistics Private Ltd. & Ors.
Vs.
Union of India & Ors.**

Mr. Shashwat Nayak
Mr. Rajdeep Mantha
Mr. Soham Sanyal
Ms. Debarati Das

..for the petitioners

Mr. A. Dutt

...for the UOI

Mr. Bodhisatta Biswas

... for the respondent nos. 2 and 3

1. The writ application has been preferred challenging an order dated 25th September, 2025 passed in a proceeding under Section 45AA of the ESI Act.

2. Learned counsel for the respondent/ESI submits that against an order under Section 45AA of the ESI Act, the relief lies before the Employees Insurance Court, as per Section 75 of the Act.

3. Learned counsel for the petitioner countered the said submission of the learned counsel for the respondent stating that he has come before this Court as principle of natural justice has not been followed. It is submitted that no copy was served upon him.

4. This Court prima facie on perusal of the orders under Section 45A and 45AA finds that the submission of the learned counsel for the petitioner

has no substance as both forums have recorded their satisfaction as to service of copies.

5. Accordingly, the writ application is disposed of with liberty granted to the petitioner to approach the ESI Court, challenging the order passed under Section 45AA of the Act dated 25.09.2025.

6. As there is a delay, the petitioner is directed to approach the Court within 30 days from the date of this order and accordingly the period of limitation is extended for 30 days from this date in the interest of justice.

7. Pending filing of an application under Section 75 before the ESI Court as directed, the order under Section 45AA of the ESI Act dated 25.09.2025 and the recovery notice dated November, 2025 issued during the pendency of the writ application, be stayed till the matter is taken up by the ESI Court, when the petitioner shall be at liberty to pray for appropriate interim reliefs before the ESI Court.

8. It is made clear that 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 as stated in this order.

9. This Court has also not gone into the merit of the case, which the ESI Court shall hear and dispose of independently.

10 Writ application stands disposed of.

11. Application, if any, connected thereto stand disposed of consequently.
12. Interim order, if any, stands vacated.
13. 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.)