

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/105/2026
IA NO:GA/1/2026
EMPLOYEES STATE INSURANCE CORPORATION AND ORS.
-VS-
M/S. BESCO LIMITED (FOUNDRY DIVISION) AND ORS.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
And
The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date: 23.6.2026

Mr. S. Agarwal, Adv.; Mr. B. Bag, Adv.; Mr. G. Malik, Adv., for appellant.
Mr. S. Majumdar, Sr. Adv.; Ms. D. Sengupta, Adv.; Mr. R. Mullick, Adv.; Ms. P. Barik,
Adv., for R-1.

1. The Court: The appeal is directed against the judgment and order dated April 9, 2026, passed by a Single Bench of this Court. By the said order, the Single Bench was of the opinion that the ESIC authorities must refund all sums appropriated by them in execution of orders passed under section 45A of the ESIC Act and garnishee proceedings thereunder and interest and other demands.
2. Mr. Majumder, learned senior counsel, submits that his client had asked the respondents authorities to furnish the particulars of the demand notices for the periods for which the execution proceedings were initiated by the ESIC authorities.
3. It is submitted that the factory of the appellant was shut down for sometime. It is also submitted that no notice was received by his client of the proceedings initiated by the ESIC authorities.

4. Learned counsel for the ESIC authorities vehemently denies the allegations made by Mr. Majumder.
5. This Court has carefully considered and heard the submissions advanced by the parties. Admittedly, the liability under the ESIC is statutory and intended to secure, inter alia, the medical benefits for the workmen of an institution. The ESIC is only exercising the powers in aid of such beneficial legislation.
6. Having regard to the above, this Court is of the view that the issue could be set at rest if the ESIC authorities supply afresh all the demands including the garnishee orders and the demands for interest and other liabilities within a period of one month from date.
7. Mr. Majumder's client shall thereupon be entitled to seek remedies in law as available, inter alia, under the ESIC Act against the demands in question and orders passed thereunder.
8. With the aforesaid observations, the impugned judgment and order shall stand set aside.
9. APOT/105/2026 is allowed and disposed of along with the connected application. There will be no order as to costs.

(RAJASEKHAR MANTHA, J.)

(RAI CHATTOPADHYAY, J.)