

(2023) 02 OHC CK 0146
In the Orissa High Court
Case No : Writ Petition (C) No. 4267 Of 2018

M/s. Panchajanya Press

APPELLANT

Vs

Dy. Director (Revenue) And Another

RESPONDENT

Date of Decision : 20-02-2023

Acts Referred:

Employees' State Insurance Act, 1948 — Section 45A

Citation : (2023) 02 OHC CK 0146

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : S. Mishra, A. P. Ray

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mishra, learned advocate appears on behalf of petitioner. He submits, his client is a proprietorship firm. His client is carrying on business of the firm after death of his father on 27th April, 2013. Impugned order and notice, being respective annexures 3 and 5, were pursuant to show-cause notice dated 7th December, 2015 issued against the establishment and deceased father of petitioner. Though his client pointed out demise of original proprietor yet impugned order and notice came to be issued. In the circumstances, petitioner was denied opportunity of hearing.

2. Mr. Ray, learned advocate appears on behalf of the Corporation and on query from Court submits, passing away of his father was noticed in impugned order dated 2nd August, 2017 made under section 45-A of Employees' State Insurance Act, 1948.

3. Impugned order and notice are set aside and quashed. This will not prevent the Corporation from initiating fresh proceeding.

4. The writ petition is disposed of.

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