

(2023) 03 OHC CK 0044

In the Orissa High Court

Case No : Writ Petition (C) No. 18674 Of 2016

M/s PKP Constructions And Another

APPELLANT

Vs

Employees State Insurance Corporation And Others

RESPONDENT

Date of Decision : 09-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0044

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : B. Mohanty, S. Mohapatra

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mohanty, learned advocate appears on behalf of petitioner (establishment). He submits, his client was not heard before issuance of demand certificate and notice dated 22nd April, 2016. Drawing attention to implementation of the Act in revenue villages of district, Koraput, he points out his client's establishment is situate in a revenue village, not covered.

2. Mr. Mohapatra, learned advocate appears on behalf of the corporation and draws attention to notice dated 31st July, 2014 issued to petitioner, acknowledgement of receipt endorsed on the card also disclosed. He submits, petitioner had not availed of the opportunity and is now complaining of no opportunity. Mr. Mohanty in reply disputes the submission of service of notice on saying that the signature in acknowledgment of receipt does not belong to anybody of his client's establishment.

3. It is not necessary to adjudicate on the factual dispute regarding service of the notice on petitioner. This is because there is some force in petitioner's other contention, of the establishment being a revenue village, not covered under the implementation made in respect of Employees' State Insurance Act, 1948, to

extend to the revenue village, where petitioner's establishment is situate. Said notice dated 31st July, 2014, relied upon by the corporation, is addressed to petitioner at Kundariguda, a revenue village not mentioned under district wise implementation in respect of district, Koraput. Mr. Mohapatra points out village Karidiguda has been mentioned.

4. Adjudication of the writ petition will not admit of ascertaining whether Kundariguda and Karidiguda are one of and the same revenue village within district Koraput. In the circumstances, impugned certificate and demand notice are set aside and quashed. Petitioner will approach opposite party no.3 with this order, on or before 17th March, 2023 and obtain date of hearing. The corporation will thereupon proceed to determine the dues and recovery thereafter to be made in accordance with law.

5. The writ petition is disposed of..

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