

GAHC010105072026



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2903/2026

GIRISH AGARWAL
S/O- SHIV BHAGWAN AGARWAL, RESIDENT OF 2/121, 3RD FLOOR,
SUNDER VIHAR, PASCHIM VIHAR, DELHI-110087.

2: RUCHIKA AGARWAL
W/O- GIRISH AGARWAL
RESIDENT OF 2/121
3RD FLOOR
SUNDER VIHAR
PASCHIM VIHAR
DELHI-110087.

3: MASTER BHAVYA AGARWAL
MINOR
THROUGH HIS MOTHER AND NATURAL GUARDIAN/NEXT FRIEND
SMT. RUCHIKA AGARWAL
RESIDENT OF 2/121
3RD FLOOR
SUNDER VIHAR
PASCHIM VIHAR
DELHI-110087. PETITIONER NO. 3 THROUGH PETITIONER NO. 2 AS
MOTHER/NATURAL GUARDIAN/ NEXT FRIEND.

4: MASTER LAVIT AGARWAL
MINOR
THROUGH HIS MOTHER AND NATURAL GUARDIAN/ NEXT FRIEND
SMT RUCHIKA AGARWAL
RO 2/121
3RD FLOOR
SUNDER VIHAR
PASCHIM VIHAR
DELHI 110087
THROUGH PETITIONER NO 2 AS MOTHER/NATURAL GUARDIAN/NEXT
FRIEND

VERSUS

EMPLOYEES STATE INSURANCE CORPORATION AND 5 ORS
THROUGH ITS REGIONAL DIRECTOR/ AUTHORISED OFFICER, REGIONAL
OFFICE, PANCHDEEP BHAWAN, P.O. BAMUNIMAIDAN, GUWAHATI,
ASSAM.

2:THE RECOVERY OFFICER

ESIC

N. E. REGION

OFFICE OF RECOVERY OFFICER/ RECOVERY BRANCH

EMPLOYEES STATE INSURANCE CORPORATION

PANCHDEEP BHAWAN

REGIONAL OFFICE

BAMUNIMAIDAN

GUWAHATI- 781021

ASSAM

3:THE AUTHORISED OFFICER

OFFICER WHO HAD PASSED THE ALLEGED SECTION 45A ORDER

EMPLOYEES STATE INSURANCE CORPORATION

REGIONAL OFFICE/BRANCH OFFICE

GUWAHATI/ TINSUKIA

ASSAM

4:THE BRANCH MANAGER

OFFICER-IN-CHARGE

ESIC BRANCH OFFICE

TINSUKIA

ASSAM

5:HDFC BANK LTD

THROUGH ITS NODAL OFFICER/ COMPLIANCE OFFICER/ LEGAL OFFICER

REGISTERED OFFICE/ HEAD OFFICE- HDFC BANK HOUSE

SENAPATI BAPAT MARG

LOWER PAREL (WEST)

MUMBAI- 400013

CORPORATE/ ADDITIONAL SERVICE ADDRESS- RAMON HOUSE

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BACKBAY RECLAMATION

H.T. PAREKH MARG

CHURCHGATE

MUMBAI-400020.

6:THE BRANCH MANAGER

HDFC BANK LTD

TINSUKIA BRANCH 1ST FLOOR

ARJUN TOWERS
CHIRWAPATTY
TINSUKIA
ASSAM
PIN- 786125.

7:THE BRANCH MANAGER
HDFC BANK LTD
KOHAT ENCLAVE/ CONCERNED DELHI BRANCH
DELHI

Advocate for the petitioner(s): Mr. D Deka

Advocate for the respondent(s): Mr. M Smith

Standing Counsel, ESIC

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.07.2026

Heard Mr. D Deka, the learned counsel appearing on behalf of the petitioner. Also heard Mr. M Smith, the learned counsel who appears on behalf of the respondent Nos.1 to 4.

2. The present writ petition has been filed challenging the action taken by the respondent authorities on the basis of a prohibitory order dated 27.04.2026 issued by the respondent No.2.

3. It is seen that the prohibitory order dated 27.04.2026 is based upon the order dated 29.10.2025 passed under Section 45-A of the ESI Act, 1948.

4. Mr. D Deka, the learned counsel for the petitioner submitted that no copy of the said order dated 29.10.2025 was made available to the petitioner and as

such the petitioner has been compelled to approach this Court.

5. During the course of the hearing Mr. M Smith the learned counsel for the respondent Nos.1 to 4 has provided a copy of the order dated 29.10.2025.

6. Mr. M Smith, the learned counsel for the respondent Nos.1 to 4 further submits that the petitioner has an alternative remedy under Section 45AA of the ESI Act, 1948.

7. Taking into account that the petitioner has an alternative and efficacious remedy available under the provisions of the ESI Act, 1948, this Court is not inclined to entertain the present writ petition.

8. As this Court has not entertained the instant writ petition on the ground that the petitioner has an alternative and efficacious remedy and further that the learned counsel for the petitioner has been served with the order dated 19.10.2025 only during the course of the hearing, this Court directs that if an appeal under Section 45AA of the ESI Act, 1948 is preferred by the petitioner within a period of 30(thirty) days from today, the said appeal be decided on merits by the Appellate Authority without insisting on the question of limitation.

9. Before parting with the records, this Court further makes it clear that the dismissal of the writ petition on being not entertained shall not prejudice the petitioner in the appeal proceedings, if so preferred, as observed hereinabove.

10. The order dated 29.10.2025 passed by the respondent No.3 is kept on record and marked with the letter 'X'.

JUDGE

Comparing Assistant