IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16695 of 2026

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JAY IMPEX

Versus

EMPLOYEE'S STATE INSURANCE CORPORATION

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Appearance:
MR DIPAK R DAVE(1232) for the Petitioner(s) No. 1
MR AV NAIR(5602) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 03/11/2026

ORAL ORDER

1. By the present Writ Petition, the petitioner is impugning the order dated 12.09.2026 passed by the respondent Corporation, whereby the recovery under Sections 45(C) and 45(I) of the Employees' State Insurance Corporation Act, 1948 has been initiated against the petitioner.

2. The learned counsel Mr. Dipak R. Dave appearing for the petitioner submits that by the prohibitory order dated 05.10.2026, the bank accounts of the petitioner have been freezed by the respondent Corporation. The learned counsel submits that the principal amount, which came to be determined, was Rs.22,17,693/- and the petitioner has deposited 25% of the principal amount while preferring the appeal before the Appellate Authority. Thereafter, when the appeal came to be rejected, the petitioner preferred EI Application No.1 of 2023 before the EI Court, Surat. In the said proceedings also, the petitioner deposited another 25% amount,

which was determined. The learned counsel submits that therefore, the petitioner has already deposited total amount of Rs.11,08,848/- in the appeal proceedings and the EI proceedings. The learned counsel submits that pursuant to the impugned order dated 12.09.2026 in the recovery proceedings, the respondent Corporation has recovered a total amount of Rs.16,72,168/-. The learned counsel submits that thus, a total amount of Rs.27,81,016/- has been recovered from the petitioner against the principal amount of Rs.22,17,693/- and interest thereon. He submits that against the total recoverable amount of Rs.33,96,772/-, the petitioner has paid Rs.27,81,016/-. He submits that the application of the petitioner before EI Court came to be dismissed for default and that the petitioner has already filed an application for restoration in EI Application No.1 of 2023, which is pending consideration before the EI Court, Surat. He submits that in view thereof, the respondent Corporation be restrained from recovering any further amount from the petitioner till the application for restoration is decided on its own merits.

3. The learned counsel Mr. A. V. Nair appearing on behalf of the respondent Corporation submits that an amount of Rs.16,72,68/- has been recovered from the petitioner against the total recoverable amount of Rs.33,96,772/-. The learned counsel, however, could not dispute that the petitioner has already deposited Rs.11,08,848/- towards filing of appeal before the Appellate Court as well as EI application before the EI Court.

4. In view of aforementioned observations, since the petitioner has deposited an amount of Rs.27,81,016/- against the total recoverable amount of Rs.33,96,772/-, the respondent Corporation

is restrained from taking further coercive steps against the petitioner for recovery of total amount of Rs.33,96,772/- till disposal of the restoration application in EI Application No.1 of 2023. The EI Court is directed to hear and decide the restoration application within a period of twelve weeks from the date of receipt of this order. Further, the respondent Corporation is directed to de-freeze the bank accounts of the petitioner pursuant to the order dated 05.10.2026 pending adjudicating of the restoration application.

5. It is clarified that this Court has not gone into the merits of the case and no opinion is expressed thereon.

6. The Special Civil Application accordingly stands disposed of with the aforesaid direction.

Direct service is permitted today.

(ANIRUDDHA P. MAYEE, J.)

cmk

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHANDRASHEKHAR MAHESHKUMAR KOSHTI(HC01066), Principal Pvt. Secretary, at High Court of Gujarat on 03/11/2026 17:38:31