

APHC010161662026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 8959 OF 2026

Between:

M/s.Surya Electrical Works, Situated at D.No.23-17-25/5, 4th Street,
Lalitha Nagar, Rajamundry, East Godavari District- 533101, Rep. by its
Proprietor Venkata Rama Rao.

...Petitioner

AND

1. The Union Of India, Rep. by its Secretary, Department of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
2. The Employee State Insurance Corporation, Rep. by its Regional Director, Regional Office, Panchadeep Bhawan, ESIC Road, Gunadala, Vijayawada, NTR District 520 004.
3. The Employee State Insurance Corporation, Rep. by its Assistant Regional Director, Regional Office, Panchadeep Bhawan, ESIC Road, Gunadala, Vijayawada, NTR District 520 004.
4. The Employee State Insurance Corporation, Rep. by Revenue Recovery Officer, Regional Office, Panchadeep Bhawan, ESIC Road, Gunadala, Vijayawada, NTR District 520 004.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction mostly one in the nature of a Writ of Certiorari, calling for records in connection

with the order bearing No.62/AP/RO/VJA/INS-III/6200039464300000604 dated 13.09.2024 under Section 45-A of the E.S.I. Act, 1948 passed by the 3rd respondent and the attachment order bearing No.AP/RO/VJA/RRO/Q/62000396430000604 dated 12.02.2025 issued by the 4th respondent and quash the same and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with filing the Certified Copy of order bearing No.62/AP/RO/VJA/INS-III/6200039464300000604 dated 13.09.2024 issued by 3rd respondent and the attachment order bearing No.AP/RO/VJA/RRO/Q/62000396430000604 dated 12.02.2025 issued by the 4th respondent and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay on all further proceedings arising out of the order bearing No.62/AP/RO/VJA/INS-III/6200039464300000604 dated 13.09.2024 issued by 3rd respondent and all other consequential proceedings in furtherance to the said order and pass

Counsel for the Petitioner: BOPPUDI ALEKHYA

**Counsel for the Respondents: KUMBHAJADALA KAUSHIK,
CENTRAL GOVT.COUNSEL**

Counsel for the Respondents: U.R.P. SRINIVAS

The Court made the following order:

HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**W.P.No.8959 OF 2026****ORDER:**

The instant writ petition has been filed under Article 226 of Constitution of India, seeking the following main relief:

“to issue an appropriate writ, order or direction mostly one in the nature of a Writ of Certiorari, calling for records in connection with the order bearing No.62/AP/RO/VJA/INS-III/6200039464300000604 dated 13.09.2024 under Section 45-A of the E.S.I. Act, 1948 passed by the 3rd respondent and the attachment order bearing No.AP/RO/VJA/RRO/Q/62000396430000604 dated 12.02.2025 issued by the 4th respondent and quash the same and pass such....”

2. Heard Ms.Boppudi Alekhya, learned counsel for the petitioner and Sri Venna Kalyan Chakarvarthi, counsel representing Sri U.R.P.Srinivas, learned Standing Counsel for ESI Corporation.

3. Earlier, the matter is adjourned on 07.04.2026 and 15.04.2026. Today, when the matter is taken up for hearing, learned counsel for the petitioner submits that in view of effective alternative remedy provided under the statute under Section 45-AA of Employees State Insurance Act, 1945 (in short 'the Act'), petitioner is inclined to avail the effective remedy before the 2nd respondent. She further submits that in terms of the impugned order dated 13.09.2024 passed by the respondent Corporation authority, subsequently order of attachment of immovable property of the

petitioner was issued on 12.02.2025 (vide proceedings No. AP/RO/VJA/RRO/Q/62000396430000604 dated 12.02.2025) by the 4th respondent.

4. At that juncture, the petitioner addressed a letter to the 4th respondent expressing his grievance. In turn, the 4th respondent rejected the same by way of letter dated 19.01.2026 stating that he has no jurisdiction to interdict the orders under Section 45-A of the Act. According to her, now the petitioner is inclined to avail the remedy under Section 45-AA of the Act, but she seeks to defer the attachment order dated 12.02.2025 passed by the 4th respondent for a period of ten (10) weeks so as to workout petitioner's legal remedies.

5. Conversely, the learned Standing Counsel for ESI Corporation submits that Employees State Insurance Act is a social welfare legislature. The learned Standing Counsel asserts that under Section 45-AA of the Act, the appeal lies against the order dated 13.09.2024 passed by the 3rd respondent.

6. By taking the above facts and circumstances into consideration and also keeping in view the interest of justice, this Court is inclined to dispose of the writ petition with the following directions:

- i. the petitioner is permitted to avail the remedy of appeal along with appropriate interlocutory application under Section 45-AA of the Act, within a period of four (04) weeks from the

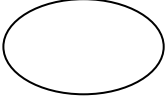
date of receipt of copy of this order before the Appellate Authority;

- ii. in the event of filing of an appeal, the concerned authority is directed to dispose of the interlocutory application at the earliest, preferably, within a period of four (04) weeks from the date of filing of appeal by the petitioner. Till such period, the respondent authorities are hereby directed not to take any coercive steps in pursuance of the attachment order bearing No.AP/RO/VJA/RRO/Q/ 62000396430000604 dated 12.02.2025 issued by the 4th respondent;
- iii. if any of the above directions are violated by the petitioner, it is open for the respondent authorities to take steps in accordance with law after lapse of period of four (04) weeks.

There shall be no order as to costs. Miscellaneous petitions pending if any, shall stand closed.

MAHESWARA RAO KUNCHEAM, J

Date:22.04.2026
Rns



THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.8959 of 2026

Date:22.04.2026

Rns