

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**TUESDAY, THE TWENTY FIRST DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 10607 OF 2026



Between:

K.Rajkumar, S/o Late Dhanraj, Aged about 42 years, Principal Employer of
M/S Dhanalakshmi Paper Boards (Closed Unit) Vastrapuri Colony,
Gopalapuram Panchayat, Rajam, Vizianagaram District.

...Petitioner

AND

1. The Employees State Insurance Corporation (ESIC), Represented by the Director General, New Delhi. 110002
2. Sub-Regional Office, Employees' State Insurance Corporation, Visakhapatnam, Represented by The Assistant Director, Off D.No. 45-57-21/1, 1st and 2nd Floor, RR House, Narasimha Nagar, Akkayyapalem, Visakhapatnam- 530024.
3. The Revenue Recovery Officer, Employees State Insurance Corporation, Sub-Regional Office, Visakhapatnam.520001
4. The Deputy Director, Employees' State Insurance Corporation, Sub-Regional Office, Visakhapatnam.520001
5. Union Bank of India, Rajam Branch, Srikakulam District Represented by the Branch Manager.532001
6. HDFC Bank, Rajam Branch, Vizianagaram District Represented by the Branch Manager. 535001

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or writ or direction more particularly one in the

nature of writ of Mandamus, challenging the action of the respondents more particularly Respondent Nos.2 to 4 in issuing the recovery proceedings vide No. 70Q/70000523370000499, dated 10-09-2025 and 09-02-2026 and consequential attachment orders, garnishee orders, and proclamations of sale, issued against the petitioner and the closed establishment M/s Sri Dhanalakshmi Paper Boards, bearing ESI Code 70000523370000499, situated at Vastrapuri Colony, Rajam, Vizianagaram District, as illegal, arbitrary. Violative of Principles of Natural Justice and contrary to Section 45 A of Employees' State Insurance Act, 1948 and also in violation of Article 14 and 300-A of the Constitution of India and consequently to Set aside the said recovery proceedings vide No. 70Q/70000523370000499, dated 10-09-2025 and 09-02-2026 and all consequential proceedings;

IA NO: 1 OF 2026:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the recovery proceedings vide no. 70Q/70000523370000499, dated 10-09-2025 and 09-02-2026 and all consequential proceedings forthwith, pending disposal of WP.No.10607 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri T.Diwakar Reddy, Advocate for the Petitioner and M/s S.Siva Kumari, Standing Counsel for Respondent Nos.1 to 4, the Court made the following;

ORDER:

1. Sri C. Diwakar Reddy, learned counsel for the petitioner, mainly assailed the impugned order on the ground that the respondent authorities have not followed the mandatory procedure prescribed under the Employees' State Insurance Act, 1948, more particularly under Section 45-A thereof. According to the learned counsel for the petitioner, the respondent authorities have not passed any order under Section 45-A of the ESI Act, 1948 and straight away issued proceedings

No.70Q/70000523370000499 dated 10.09.2025 under Section 45-G of the Act.

2. Conversely, Sri U.R.P. Srinivas, learned Standing Counsel seeks time and also placed reliance on the decision in Hem Kumar Gogoi v. Employees' State Insurance Corporation and Others, reported in (2017) 1 Gauhati Law Reports 137.

3. At request made by the learned Standing Counsel for the Employees' State Insurance Corporation, list the matter on 28.04.2026 in the motion list to enable him to get instructions as to whether orders were passed by the ESI Authorities under Section 45-A of the ESI Act, 1948, and, if so, whether such orders were communicated to the petitioner with proper acknowledgment.

4. The learned Standing Counsel for the ESI Corporation is hereby directed to get instructions and place on record proof in support of their version.

5. Meanwhile, the respondents are directed not to take any coercive steps against the petitioner pursuant to proceedings No. 70Q/70000523370000499 dated 09.02.2026 passed by the 3rd respondent.

6. Post on 28.04.2026.

Sd/- U.Sri Devi
DEPUTY REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Director General, Employees State Insurance Corporation (ESIC), New Delhi. 110002
2. The Sub-Regional Office, Employees' State Insurance Corporation, Visakhapatnam, Represented by The Assistant Director, Off D.No. 45-57-21/1, 1st and 2nd Floor, RR House, Narasimha Nagar, Akkayyapalem, Visakhapatnam- 530024.
3. The Revenue Recovery Officer, Employees State Insurance Corporation, Sub-Regional Office, Visakhapatnam.520001

4. The Deputy Director, Employees' State Insurance Corporation, Sub-Regional Office, Visakhapatnam.520001
5. The Branch Manager, Union Bank of India, Rajam Branch, Srikakulam District 532001
6. The Branch Manager, HDFC Bank, Rajam Branch, Vizianagaram District. 535001 (Addressee Nos.1 to 6 by **RPAD**)
7. One CC to Sri. T.Diwakar Reddy, Advocate [OPUC]
8. One CC to Sri. U.R.P.Srinivas, Advocate [OPUC]
9. One CC to M/s S.Siva Kumari, Advocate [OPUC]
10. One CC to M/s V.Dyumani, Advocate [OPUC]
11. One spare copy

HIGH COURT

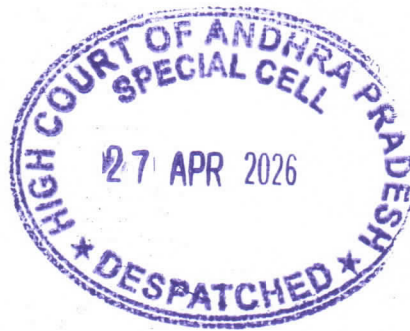
MRK,J

DATED:21/04/2026

LIST ON 28.04.2026

ORDER

WP.No.10607 of 2026



DIRECTION