

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1081 of 2023**

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WIN EMBROIDERY THRO ARVINDKUMAR GHEVARCHAND MEHTA

Versus

EMPLOYEES STATE INSURANCE CORPORATION

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Appearance:

MR DIPAK R DAVE(1232) for the Petitioner(s) No. 1

for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE A.Y. KOGJE****Date : 31/01/2023****ORAL ORDER**

1. **ISSUE NOTICE** returnable on **14.03.2023**.
2. Learned advocate for the petitioner submitted that the authority had assessed the contribution to the extent of Rs.3,88,865/- which in the appeal mentioned by the petitioner was enhanced to 50,28,074/- by the order of the Appellate Authority / Additional Commissioner and Regional Director.
3. Learned advocate for the petitioner submitted that the appeal preferred by the petitioner was under Section 45(AA) of the Act and such provision does not vest with the power to the Appellate Authority to enhance while considering the appeal of the petitioner, and therefore, the order passed by the appellate authority is without jurisdiction.
4. In view of aforesaid, the impugned order dated 15.03.2022 passed by the Appellate Authority / Additional Commissioner

and Regional Director is hereby stayed and as a result consequential order dated 07.12.2022 for recovery is also stayed.

Direct service is permitted.

GIRISH

(A.Y. KOGJE, J)