



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9872 of 2026

M/s. Powell School (English Medium), Mayurbhanj* *Petitioner

Mr. Somanath Mishra, Advocate
-versus-

Deputy Director (Revenue) Employees State Insurance Corporation, Bhubaneswar and another* *Opposite Parties

**CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO**

**ORDER
31.03.2026
(Hybrid Mode)**

Order No.

01.

1. The petitioner, an establishment running English Medium School at Baripada is before this Court challenging the order dated 05.07./10.2023 (Annexure-9) passed by the opposite party no.1-Authority under Section 45-A of the Employees' State Insurance Act, 1948. Also under challenge is the notice dated 26.03.2024 issued under Sections 45-C to 45-I of the ESI Act, 1948 by opposite party no.2-Authority raising demand of Rs.4,21,113/-.

2. The learned counsel for the petitioner refers to the order dated 05.07./10.2023 and submits that issuance of the notices is recorded by the authority,



however, regarding sufficiency of notice or otherwise has not been recorded. It is submitted that the petitioner-institution through its representative was never heard in the said proceeding nor had any occasion to appear and apprise the facts before the authorities.

The petitioner-institution was provided with copy of the inspection report of the opposite party-corporation dated 11.02.2016 copy of which has been annexed to the writ application marked as Annexure-1. It is submitted that after the said inspection report there is no recorded proceeding wherein the petitioner has been given any opportunity to explain the facts to the authority regarding applicability of the ESI Act and to what extent the petitioner is liable. The petitioner challenges the recovery notice dated 26.03.2024 as well as the order dated 05.07.2023.

3. Issue notice along with this order.

Mr. Amarendra Prasad Ray, learned Standing Counsel who usually appears for the opposite parties-authorities being present in the Court shall accept notice on behalf of the opposite parties.

Adequate number of extra copies of the writ petition shall be served on Mr. Ray, learned Standing Counsel during course of the day.

4. The learned Standing Counsel shall file his Vakalatnama within ten working days. Upon filing of



the Vakalatnama, the name of Mr. Ray and learned associates shall be reflected in the cause list as well as the case brief.

The learned Standing Counsel shall also obtain instruction in response to the submissions made by the learned counsel for the petitioner.

I.A. No.5783 of 2026

5. The I.A. has been filed challenging the order under Section 45-A of the ESI Act raising a demand of about Rs.6,00,000/-.

6. The learned counsel for the petitioner reiterates his submissions as noted above and prays for interim stay of operation of the orders dated 05.07./10.2023 and notice dated 26.03.2024.

Issue notice as above.

The learned Standing Counsel shall accept notice along with the writ application. Adequate number of extra copies of the petition shall be served on Mr. Ray during course of the day.

The learned Standing Counsel shall obtain instruction.

7. In the interim, it is directed that no further action shall be taken pursuant to the order dated 05.07.2023 (Annexure-9) and the order dated 26.03.2024 (Annexure-4) till the next date of hearing.

8. Urgent certified copy be issued as per rules.



The parties shall have the liberty to act upon the copy of the order obtain from the official website of this Court.

9. The matter shall be listed in the week commencing 04.05.2026.

(Mruganka Sekhar Sahoo)
Judge

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