



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

**[3329]**

THURSDAY, THE NINETEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 20026/2024**

**Between:**

M/s.omega Engineering Works

**...PETITIONER**

**AND**

The State Of Andhra Pradesh and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.V.N.V.SURYA DATTU

**Counsel for the Respondent(S):**

1.GP FOR LABOUR

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 20026/2024**

**FINAL ORDER:**

The present Writ Petition is filed under Article 226 of the Constitution of India seeking following relief:

*“.....may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring 2<sup>nd</sup> Respondents order file No.62000170760000606/2220211029, dt.02.02.2021 and subsequent order file No.AP/RO/VJA/RRO/Q/62000170760000606, dt.28.11.2023 thereby demanding an amount of Rs.10,14,016/- including costs of recovery and further interest upto 23.11.2023 as illegal, irregular, irrational, contrary to Employee State Insurance (ESI) Act, 1948 (as amended by Act 29 of 1989) in violation of principles of natural justice, further offends Articles 14, 19 and 21 of the Constitution of India. Consequently, set-aside 2<sup>nd</sup> Respondents order file No.62000170760000606/2220211029, dt.02.02.2021 and subsequent order file No.AP/RO/VJA/RRO/Q/62000170760000606, dt.28.11.2023 and pass .....”*

2. Heard learned counsel for the petitioner and Sri Ch. Naidu, learned Standing Counsel for Respondent-corporation.
  
3. The preliminary objection is raised by Sri. Ch. Naidu, learned Standing Counsel for Respondent Nos. 2 and 3, that the order under challenge in the petition, is an order under Section 45A of Employees' State Insurance Act, 1948, ["E.S.I. Act"], which is appealable under Section 45AA of the E.S.I. Act.
  
4. Learned counsel for the petitioner, at this stage, submits that keeping it open for the petitioner to take recourse of the statutory appeal, the petition may be disposed of.

5. On perusal of the material available on record, it is observed that the impugned order has been passed under Section 45A of the E.S.I. Act. The same Act provides for the statutory appeal also. It is settled in law that if the statutory remedy of appeal is provided, this Court in the exercise of writ jurisdiction would ordinarily not entertain the Writ Petition except in exceptional circumstances. The case at hand, any of such exceptional circumstance has not been pointed out by the learned Counsel for the petitioner.

6. Accordingly, the Writ Petition is disposed of directing the respondent Nos.2 and 3 that the interim suspension bearing No.AP/RO/VJA/RRO/Q/62000170760000606, dated 28.11.2023, pursuant to the impugned order bearing No.62000170760000606/2220211029, dated 02.02.2021, subject to deposit of the 50% of the demanded amount i.e., Rs.10,14,016/- as per the proceedings dated 28.11.2023 within a period of eight (08) weeks, till the hearing of the appeal of the E.S.I. Court. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**VENKATESWARLU NIMMAGADDA, J**

19.09.2024  
*SCH*

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**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA****WRIT PETITION No.20026 of 2024**

19.09.2024

*SCH*