



CNR: KAHC010277932021

NC: 2026:KHC:42693
WP No. 14423 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 14423 OF 2021 (L-ESI)

BETWEEN:

CLEAN CARE SERVICES,
REPRESENTED BY A RAMYA
AUTHORIZED SIGNATORY
25/2, THIRD FLOOR,
S.R. PLAZA, LADY CURZON ROAD,
OPP. TO STATE BANK OF INDIA,
SHIVAJI NAGAR, BENGALURU - 560051.

...PETITIONER

(BY SRI. S.RADHA KRISHNAN, ADVOCATE)

AND:

1. ASSISTANT DIRECTOR,
EMPLOYEES' STATE INSURANCE CORPORATION,
MINISTRY OF LABOUR AND EMPLOYMENT,
REGIONAL OFFICE, KARNATAKA,
NO.10, BINNY FIELDS,
TANK BUND ROAD, (NEAR BINNY
MILLS, NEXT TO ETA MALL)
BINNYPET, BENGALURU-560023,
2. RECOVERY OFFICER,
EMPLOYEES STATE INSURANCE CORPORATION,
PANCHDEEP BHAVAN,
NO.10, BINNYPET, BINNY FIELDS-560 023.
3. REGIONAL DIRECTOR,
EMPLOYEES' STATE INSURANCE CORPORATION,
PANCHDEEP BHAVAN, NO.10, BINNY FIELDS,
BINNYPET, BENGALURU-560023.



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4. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF LABOUR AND EMPLOYMENT,
GOVERNMENT OF INDIA, NEW DELHI.

...RESPONDENTS

(BY SMT. GEETHA DEVI M.P., ADVOCATE FOR R1 TO R3
SMT. SHRIDEVI BHOSALE, CGC FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri.S.Radhakrishnan., counsel for the petitioner,
appeared via video conferencing, and Smt. Geetha Devi M.P.,
counsel for respondent Nos. 1 to 3, appeared in person.

2. This petition is filed seeking the following reliefs:

- (a) To issue a writ of certiorari or any other
appropriate writ, order or direction and quash the
Recovery Notice No.53510759400011001 / CP /
237676 dated 14th July 2021 - Annexure-A as
violative of principles of natural justice, arbitrary
and illegal.



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WP No. 14423 of 2021

- (b) To issue suitable directions to the respondents not to initiate any steps in pursuance to the recovery notice 53510759400011001 / CP / 237676 dated 14th July 2021 - Annexure-A and issue suitable instructions to the officers below not to take any steps to enforce the illegal demands.
- (c) To pass any further or other orders and reliefs that may be just in the circumstances of the case, including costs on the respondents for their callousness in passing the Recovery Notice dated 14.07.2021.

3. The short facts are these:

The petitioner, a provider of Clean Care Services, offers residential and commercial cleaning like home and kitchen cleaning. Their registered office is in Chennai, with a branch in Bengaluru. The Chennai office handles ESI compliance, including filing returns and paying taxes. On 02.07.2020, the Assistant Director of Employees State Insurance Corporation (respondent No.1) issued a notice requesting the petitioner to produce records and documents. At that time, Chennai was under total COVID lockdown. The petitioner requested additional time to respond, but the respondent ignored this and



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scheduled a personal hearing on 24.08.2020. The petitioner again asked for more time. It is understood that, despite the request, the respondent issued an order under Section 45A, calculating the contribution and interest owed by the petitioner at Rs.71,55,623/-. This order was not served to the petitioner, preventing the petitioner from exercising any remedies. Nevertheless, a recovery notice was issued demanding payment within 15 days and threatening recovery proceedings. Alleging a violation of natural justice principles, the petitioner has filed this writ petition before the Court, raising multiple grounds outlined in the memorandum of the petition.

4. Counsel for the petitioner argues that the respondents have flagrantly violated principles of natural justice. He emphasizes that these principles are not mere formalities but essential requirements under any Act. The notice and personal opportunity given to the petitioner, especially during the peak COVID period, were mere formalities. The respondent's order is allegedly in violation of natural justice principles and should therefore be quashed. The counsel further contends that the respondents failed to



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WP No. 14423 of 2021

recognise that the petitioner was prevented by valid reasons from producing records and attending personally. They should have granted the petitioner's request for additional time to produce the records and clarify the matter. Additionally, he claims the manner in which the order was issued was arbitrary, illegal, and showed a lack of proper consideration by the respondents. Lastly, he highlights that Section 45A of the ESI Act mandates a hearing before any order is issued, which was denied to the petitioner. Based on these grounds, he urges that the petition's prayer be granted.

He placed reliance on the following decision:

***RIKHAB CHAND JAIN V/S. UNION OF
INDIA AND OTHERS, 2025 SCC OnLine SC 2510.***

Conversely, Smt.Geetha Devi M.P., the counsel representing the Corporation, states that the Corporation issued the 45A Order on 25.03.2021. She argues that after issuing the order, it was communicated to the petitioners- one at the Chennai address and another at the Bangalore address. Additionally, the 45A order was sent via email on 29.03.2021.



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She further submits that during the 45A proceedings, the petitioner's authorized representative, Smt. Shalini, personally participated in the hearings. Therefore, she contends that the petitioner's claim of not being given an opportunity for a personal hearing is unjustified. Furthermore, she asserts that the petitioner has a statutory remedy to challenge the 45A order by filing a case before the ESI Court under Section 75 of the ESI Act. To support her points, she references the decision in ***ILR (1986) KAR 3595 M/S ESCORTS LTD VS. REGIONAL DIRECTOR ESIC'***, and argues that the petition lacks merit and should be dismissed.

5. Heard the arguments and perused the papers with utmost care.

6. The matter is confined to the actions taken by the Corporation under the 45A order. It is undisputed that the petitioner is an organization under the ESI Act and that the 45A order was issued on 25.03.2021. The petitioner argues that due to the COVID-19 lockdown, they could not attend a personal hearing, and thus, the order violates natural justice principles. This claim is not valid because records confirm the order was



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WP No. 14423 of 2021

issued on 25.03.2021 and communicated via RPAD and email on 29.03.2021. Additionally, the order shows that Smt. Shalini, the petitioner's authorized representative, participated in the proceedings. Therefore, the petitioner cannot claim that a personal hearing was not provided or that natural justice was breached. Furthermore, the petitioner has a statutory remedy to challenge the 45A order in the ESI Court, which has original jurisdiction.

7. For the reasons stated above, the petition is devoid of merits. Accordingly, the writ petition is ***dismissed***.

Because of the dismissal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

SD/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 35