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CMA.No.801 of 2022 batc



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA NOS.801, 815 & 818 of 2022

AND

CMP NOS. 5747, 5822 & 5842 OF 2022

CMA.No.801 of 2022

Essar Machine Works Limited,
Rep.by its Director, Ms.Ancy Verghese,
Old No.1/39, New No.3/11,
Chithalapakkam, Kolatchi Amman Kovil Street,
Ootiambakkam, Chennai-600 130.

..Appellant(s)

Vs.

1. Employees' State Insurance Corporation,
Rep.by the Regional Director,
143, Sterling Road,
Nungambakkam, Chennai-600034.

2. The Recovery Officer,
Employees State Insurance Corporation,
143, Sterling Road,
Nungambakkam, Chennai-600034.

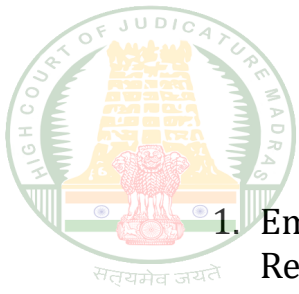
..Respondent(s)

CMA No. 815 of 2022

Essar Machine Works Limited,
Rep.by its Director, Ms.Ancy Verghese,
Old No.1/39, New No.3/11,
Chithalapakkam, Kolatchi Amman Kovil Street,
Ootiambakkam, Chennai-600 130.

..Appellant(s)

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1. Employees' State Insurance Corporation,
Rep by the Regional Director,
143, Sterling Road,
Nungambakkam, Chennai-600034.

2. The Recovery Officer,
Employees' State Insurance Corporation,
143, Sterling Road,
Nungambakkam, Chennai-600034.

..Respondent(s)

CMA No. 818 of 2022

Essar Machine Works Limited,
Rep.by its Director, Ms.Ancy Verghese,
Old No.1/39, New No.3/11,
Chithalapakkam, Kolatchi Amman Kovil Street,
Ootambakkam, Chennai-600 130.

..Appellant(s)

Vs.

1. Employees' State Insurance Corporation,
Rep by the Regional Director,
143, Sterling Road,
Nungambakkam, Chennai-600034.

2. The Recovery Officer,
Employees' State Insurance Corporation,
143, Sterling Road,
Nungambakkam, Chennai-600034.

..Respondent(s)

PRAYER IN CMA No. 801 of 2022: Civil Miscellaneous Appeal is filed under Section 82 of the Employees State Insurance Act, to order and Decree of the Employees State Insurance Court (Principal Labour Court), Chennai in E.I.O.P.No. 68 of 2012 dated 30.12.2021.



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PRAYER IN CMA No. 815 of 2022: Civil Miscellaneous Appeal is filed under Section 82 of the Employees State Insurance Act, against the order decree of the Employees State Insurance Court Principal Labour Court, Chennai in E.I.O.P.No.69/2012 dated 30/12/2021

PRAYER IN CMA No. 818 of 2022: Civil Miscellaneous Appeal is filed under Section 82 of the Employees State Insurance Act, to being aggrieved by the order and Decree of the Employees State Insurance Court (Principal Labour Court), Chennai in E.I.O.P. No. 67 of 2012 dated 30.12.2021.

For Appellant(s):
(in all CMA Nos.)

Mr.A.Ganapatheeswaran for
M/s.Fox Mandal And Associates

For Respondent (s):
(in all CMA Nos.)

Mr.S.P.Srinivasan

COMMON JUDGMENT

These Appeals have been filed challenging the order passed by the Employees State Insurance Court (Principal Labour Court), Chennai, in E.I.O.P No.68 of 2012 dated 30.12.2021 whereby the petition filed by the appellant under Section 75 of the Employees State Insurance Act, 1948 was dismissed and the order passed by the ESI Corporation under Section 45A of the Act, dated 08.04.2023 was confirmed.



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2. During the pendency of these appeals, this Court granted an order of interim stay on condition that the Appellant should deposit a sum of Rs.1,00,000/- to the credit of E.I.O.P No.68 of 2012 and accordingly, the amount was also deposited.

3. When the matter was taken up for hearing on 20.11.2025, it was brought to the notice of this Court that the Appellant company underwent winding up process. Therefore, this Court directed the learned counsel for the liquidator to provide the necessary particulars.

4. When the matter was taken up for hearing today, Mr.A.Ganapatheeswaran, learned counsel appearing for the liquidator of the Appellant company, filed typed set of papers. On going through the same, it is seen that the National Company Law Tribunal (NCLT), Chennai Bench, appointed a provisional liquidator for the appellant company by order dated 13.07.2022. Thereafter, by order dated 25.09.2023, the company liquidator was appointed.

5. The NCLT, Chennai, by an order dated 13.03.2024 approved the appointment of the professionals to represent the appellant company under liquidation. Accordingly, the learned counsel



has been appointed to represent the liquidator in the litigations that are pending against the appellant company.

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6. The Company liquidator has addressed a communication dated 25.08.2022 to the ESI corporation and for proper appreciation, the contents of the letter is extracted hereunder:-

1. The winding up process has been initiated in respect of ESSAR MACHINE WORKS LIMITED ("Company") under the provisions of Section 271(a) of the Companies Act, 2013 vide an order dated 13th July 2022 passed by the Hon'ble National Company Law Tribunal, Chennai Bench ("NCLT" or "Tribunal") in CP /1334/2019. The Hon'ble NCLT in the same order was pleased to appoint Mr.Mutharasapuram Ganesan Chandrasekaran, having IBBI Registration Number IBBI/IPA-003/IP-N00337/2021-2022 /13620 the undersigned as a Provisional Liquidator of the company. A copy of the order dated 13.07.2022 is attached herewith as Annexure A for your record and necessary actions.

2. The undersigned after his appointment has made a public announcement in Form Win - 6 on 18.07.2022 intimating about the petition for the winding up of Essar Machine works limited. As per the said public announcement any opposition to the petition should be filed in Tribunal and a copy to be served on the petitioner or his representative not less than five days before the next date of the hearing I.e 21 September 2022. The copies of the



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CMA.No.801 of 2022 batc



public announcement dated 18.07.2022 is attached herewith as Annexure -B (Colly).

3. Further as per the provisions of Section 279(1) of the companies Act, 2013 when a winding up order has been passed or a provisional liquidator has been appointed, no suits or other legal proceedings shall be commenced or if pending at the date of the winding up order, shall be proceeded with, by or against the company.

4. In view of the above no suit or legal proceedings shall be commenced against the Essar Machine Works Limited since the company is undergoing winding up proceedings vide order dated 13.07.2022. The same is for your kind information and record.

7. It is clear from the above that the appellant company is already under the control of the company liquidator. Hence, the claim made by the ESI Corporation will have to be dealt with by the company liquidator along with the other claims and it has to be settled as per the provisions of the Companies Act, 2013.

8. In view of the above developments, no useful purpose will be served in keeping these appeals pending. The claim made by the ESI Corporation against the appellant company shall be made before the company liquidator, which will be considered in accordance with the provisions of the Companies Act, 2013. The sum of Rs.1,00,000/- that



CMA.No.801 of 2022 batc

has been deposited by the appellant company shall be permitted to be withdrawn and it shall form part of the assets of the appellant company.

9. With the above liberty granted to the ESI Corporation, all these appeals stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

03.07.2026

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Index : Yes/ No

Speaking / Non-speaking order

Neutral citation : Yes/No



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CMA.No.801 of 2022 batc

N. ANAND VENKATESH, J.

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