



WEB COPY

WP No. 28529 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

WP No. 28529 of 2026

Senthur Enterprises
Rep. by its Proprietor A Mariappan,
Old No.08, New No.12, Cross Street,
Postal Colony,
West Mambalam, Chennai.

presently at-18/1 Manikkam Street,
West Mambalam,
Chennai-600 033.

..Petitioner

Vs.

The Regional Director,
Employees State Insurance Corporation,
Regional Office,
Sterling Road,
Chennai-600 034

..Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 20.03.2026, together with the sworn affidavit and documents enclosed in support thereof, to afford the petitioner a personal hearing and thereafter, to pass reasoned orders on merits of the petitioner's claim within a time frame to be fixed by this Court.

For Petitioner(s): : Mr.Thiyageshvaran
for M/s.T.S.Gopalan and Co.

For Respondent(s): : Mr.J.Dharmaraj



ORDER

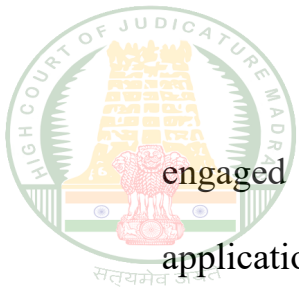
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The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 20.03.2026, together with the sworn affidavit and documents enclosed in support thereof, to afford the petitioner a personal hearing and thereafter, to pass reasoned orders on merits of the petitioner's claim within a time frame that may be fixed by this Court.

2. The case of the petitioner is that, anticipating that he would succeed in the tender process and get some business, the petitioner had participated in the tender proceedings floated for the purpose of cleaning the Metropolitan Transport Corporation's buses by the Transport Corporation. However, the petitioner was not a successful bidder.

3. For the purpose of availing the tender, according to the petitioner, they have to be registered with the respondent/ESI authority. Accordingly, they registered themselves with the said authority prior to floating the tender by showing that he engaged 19 employees to work.

4. It is the further case of the petitioner that the petitioner-firm was not the successful bidder in the tender and as such, there were no employees



engaged in any manner whatsoever, though the petitioner has stated in the application made to the ESI authority that firm engaged employees.

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5. It is now submitted by the learned counsel for the petitioner that, since the petitioner-Enterprises was not the successful bidder, they never employed 19 persons, though the petitioner has intimated the same to the ESI Corporation. However, on account of the notice that was given by the ESI authority under protest, only part of the amount was deposited by the petitioner-Enterprises before the ESI Corporation.

6. Learned counsel for the petitioner further submitted that the petitioner has sent notice/representation, dated 20.03.2026 to the respondent calling for cancellation of the Employer Code and also for refund of mistakenly paid contribution. The said representation was not disposed of.

7. On the other hand, learned counsel for the respondent submitted that order under Section 45-A of the ESIC Act, was passed on 04.11.2024 and the petitioner had voluntarily deposited part of the amount outstanding.

8. The petitioner has remedy against the said order dated 04.11.2024, to agitate his grievance before the ESI Corporation Court and the period of limitation is three years. If the petitioner-Senthur Enterprises, is aggrieved by



the said order, dated 04.11.2024, they ought to have approached the ESI Corporation Court, seeking necessary relief and not by filing a writ petition.

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9. With the above observations, this Writ Petition is disposed. In the meanwhile, the respondent/ESI authority shall consider the said representation, dated 20.03.2026 and dispose of the same.

There shall be no order as to costs.

23-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cs

To

The Regional Director,
Employees State Insurance Corporation,
Regional Office,
Sterling Road,
Chennai-600 034



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K.SURENDER, J

CS

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