

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.15177 of 2016
and
W.M.P.No.13211 of 2016

Viencee Pharma Science Pvt Ltd.,
rep. by its Proprietor Ramkumar

...Petitioner

Vs

The Recovery Officer,
Employee State Insurance Corporation,
Having Office at No.143, Sterling Road,
Nungambakkam,
Chennai - 40.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records from the file of the respondent in No.TN/RECY/CP-1/51001106230000399/CCR 72338, dated 08.02.2016, and to quash the same as illegal, and consequently, to direct the respondent to provide a split of the demand.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.S.Jayakumar

O R D E R

The petitioner has filed this Writ Petition to quash the order passed by the respondent, dated 08.02.2016, and consequently, to direct the respondent to provide a split of the demand.

2. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioner and Mr.S.Jayakumar, learned counsel accepting notice for the respondent. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

3. The petitioner/Management is aggrieved by the attachment notice issued by the respondent/Corporation, under Section 45-C to 45-F & 45-H of Employees' State Insurance Act.

4. From the records placed in the typed set of papers, filed in connection with this Writ Petition, it is seen that though the petitioner received notice from the respondent on 04.06.2015, calling upon them to pay the contribution for a period from March 2013 to December 2014, the petitioner has not responded to the notice, and hence, the petitioner is the root cause for inviting the notice of attachment, which is impugned herein. In fact, to avoid the order of attachment, the petitioner has been directed to pay the amount within a period of 15 days, but the petitioner's contention would be that they are in active correspondence with the respondent on 11.06.2015 and 22.06.2015, however, the said averment is not supported by any document filed in the Writ Petition. However, taking into consideration that the petitioner is to be mulcted interest as well as damages, this Court is of the view that the petitioner should be given fresh opportunity to put forth their grievance.

5. Accordingly, the Writ Petition is disposed of, by directing the petitioner to appear in person before the Assistant Director of Employees' State Insurance Corporation, Chennai- 600 034, on 5th May, 2016, and place their objection. As and when such objection is placed, the said Authority shall consider the same and pass appropriate order on merits and in accordance with law. Till order are passed by the Assistant Director of Employees' State Insurance Corporation, the impugned attachment notice shall be kept in abeyance. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

सतयमेव जयते
Sub Assistant Registrar

sd
To

The Recovery Officer,
Employee State Insurance Corporation,
Having Office at No.143, Sterling Road,
Nungambakkam, Chennai - 40.

+1 cc to M/s.V.Raghavachari, Advocate, sr.26172

+1 cc to Mr.S.Jayakumar, Advocate, sr.25915

Writ Petition No.15177 of 2016

ug co
kra 29.04.2016