

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.28128 of 2015

M/s.B.V.V.Paper Industries Ltd.,
represented by its Managing Director,
B.V.V.Krishnaprasad,
148-D, Palani Road,
Udumalpet 642 126.

... Petitioner

Vs.

1. The Deputy Director,
Employees State Insurance Corporation,
1897, Trichy Road,
Panchadeep Complex,
Ramanathapuram,
Coimbatore 641 045.
2. The Recovery Officer,
Employees State Insurance Corporation,
1897, Trichy Road,
Panchadeep Complex,
Ramanathapuram,
Coimbatore 641 045.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the 1st respondent by proceedings in No.56000626050000801/ ME/ TPR dated 26.6.2015 and quash the same.

For Petitioner : Mr.P. Saravana Sowmiyan
For Respondents : Mr. C.V. Ramachandramurthy
Standing Counsel ESI

ORDER

Heard Mr.P.Saravana Sowmiyan, learned counsel appearing for the petitioner and Mr.C.V.Ramachandramurthy, learned Standing Counsel appearing for the respondent Corporation.

2. This Writ Petition has been filed challenging the proceedings of the respondent Corporation dated 26.6.2015 claiming arrears of contribution under Employees' State Insurance Corporation Act for the period from April 1999 to

August 2005, June 2002 to October 2006 and April 1999 to August 2005, by demand dated 7.8.2008, 27.6.2008 and 1.8.2008 respectively.

3. This is the third Writ Petition filed by the petitioner challenging the repeated demands issued by the respondent Corporation inspite of a certificate given by the respondent Corporation stating that the petitioner has settled all the dues as per the records of the Revenue Recovery Cell as on 26.06.2008.

4. Admittedly, the dues now claimed in the impugned proceedings are covered by the said certificate which states that all the dues have been settled up to 26.6.2008. Hence the impugned demand raised by the respondent Corporation in its proceedings dated 26.6.2015 is unsustainable in law. Accordingly, the Writ Petition is allowed and the impugned proceedings dated 26.6.2015 is hereby set aside. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Deputy Director,
Employees State Insurance Corporation,
1897, Trichy Road,
Panchadeep Complex,
Ramanathapuram,
Coimbatore 641 045.
2. The Recovery Officer,
Employees State Insurance Corporation,
1897, Trichy Road,
Panchadeep Complex,
Ramanathapuram,
Coimbatore 641 045.

+1cc to Mr.C.V. Ramachandramurthy, Advocate, S.R.No.15735

RSY(CO)
EU(22/03/2016)

W.P.No.28128 of 2015