

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2880 of 2016

ORDER:

Heard learned counsel for the petitioner and Sri B.G.Ravinder Reddy, learned Standing Counsel for Employees' State Insurance Corporation appearing for respondents 1 and 2.

Respondent No.2 issued notice of demand, dated 01.01.2016 to the petitioner calling upon him to pay arrears of ESI contributions already adjudicated and quantified against M/s.Hotel Aritaku, Visakhapatnam. The said notice was served on the petitioner, who is running a hotel under the name and style of M/s.SVK Hotel Aritaku. The petitioner filed a representation, dated 27.01.2016 before respondents 1 and 2 stating that he is no way concerned with M/s.Hotel Aritaku, which was being run by respondent No.3 and the said hotel was closed down and vacated. Thereafter, the petitioner has obtained lease of the said premises from the owner on 28.04.2015 and commenced business from 01.05.2015 in the name of M/s.SVK Hotel Aritaku. He therefore stated that he is not concerned with the arrears recoverable from the said M/s.Hotel Aritaku. The said representation is pending before respondents 1 and 2 and apprehending that the said demand would be enforced against him, the petitioner filed the present writ petition.

The petitioner has categorically stated in the said representation as well as the affidavit that he has no objection if the dues are recovered from respondent No.3. Hence, while giving liberty to respondents 1 and 2 to recover the said dues from respondent No.3 itself in accordance with law, recovery shall not be enforced against the petitioner pending consideration of his representation dated 27.01.2016 referred to above. Respondents 1 and 2 shall verify the record and claim of the petitioner and take decision in the matter as to

whether he is liable for the said dues or not and thereafter, pass appropriate orders.

The Writ Petition is accordingly disposed of.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

1st FEBRUARY, 2016.

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