

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34041 of 2016

ORDER:

Heard Mr. K. Ravinder Reddy for petitioner and Mr. B.G. Ravinder Reddy for respondents 2 and 3.

2. The petitioner challenges proceeding No.AP/INS-II/52000316570000009 dated 20.07.2016 as illegal and without jurisdiction.

3. The respondents through impugned proceeding dated 20.07.2016 demanded a sum of Rs.11,35,744/-.

4. Learned counsel for petitioner contends that the petitioner is not under obligation to pay any amount under the Employees State Insurance Act (for short 'the ESI Act') and alternatively if an opportunity is given, the petitioner will certainly explain the totality of circumstances including the actual contribution payable under the ESI Act. Therefore, requests the Court to permit the petitioner to represent to the authority on these aspects, the authority may be directed to consider and dispose of the same in accordance with law.

5. Learned standing counsel opposes the writ petition, firstly, on the ground that the writ petition against the notice dated 20.07.2016 ought not to be entertained for the remedy of appeal under the statute is effective and the appellate authority can certainly consider the question of fact and law, pass appropriate orders.

On the submission of petitioner to represent to respondents 2 and 3, learned standing counsel submits that appropriate conditions may be incorporated even to consider the said request of the petitioner.

6. I have taken note of the respective submissions and perused the material available on record. I am satisfied the writ petition can be disposed by this conditional order.

- a) The petitioner is given liberty to represent to respondents 2 and 3 by enclosing a demand draft for 1/3rd of the amount demanded within two (2) weeks from today.
- b) On receipt of representation together with demand draft, the respondents are directed not to take coercive steps for a period of six (6) weeks from today and pass orders on the representation in accordance with law.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

September 30, 2016
DSK

S. V. BHATT, J