



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.22628 of 2018

Geo Facility Services
rep.by its Partner Mr.Jaisankar
First Floor, C4 No.25, Vellala Street
Aminjikarai, Chenna - 600 029.

.... Petitioner

Vs

1. The Regional Director
Employees State Insurance Corporation
""Panchdeep Bhavan), 143, Sterling Road
Nungambakkam, Chennai 600 034.

2. Recovery Officer
Employees State Insurance Corporation
"Panchdeep Bhavan", 143, Sterling Road
Nungambakkam, Chennai 600 034.

3. The Branch Manager
Karur Vysya Bank, Adyar Branch
No.34/2, 1st Avenue, Indira Nagar
(Near Padma Priya Hospital), Adyar
Chennai 600 020.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to defreeze the petitioner's company Geo Facility Services Account No.1257115000003480 with the third respondent herein viz., Karur Vysya Bank, Adyar Branch.

For Petitioner : Mr.A.Kumanaraja

For Respondents : Mr.K.Prabhakaan for R1 & R2

O R D E R

This writ petition has been filed by the petitioner seeking direction the respondents to defreeze the petitioner's company Geo Facility Services Account No.1257115000003480 with the third respondent herein viz., Karur Vysya Bank, Adyar Branch.



2. It is the admitted case of the petitioner that due to demonitization in the year 2016 and levy of GST, the petitioner company has been facing financial crisis. The main contention raised by the petitioner is that the respondents 1 and 2 have passed an order, freezing the petitioner's bank account, without notice to the petitioner firm.

3. However, a perusal of the orders passed by the authorities would go to show that on 08.03.2018, two notices have been serviced upon the petitioner for recovery of Rs.80,548/- and Rs.1,51,605/- towards ESI contribution along with interest, damages and costs for the year 2013-14 and 2014-15 respectively, within a period of 15 days from the date of notices. Even prior to the said notices, as early as on 23.11.2007, a communication has been issued by the respondents intimating the petitioner that the petitioner firm would be covered under the provisions of ESI Act and they are liable to render necessary assistance by registering their employees under the ESI Act. Therefore, it is clear that the remedy open to the petitioner is to approach the appropriate authority under the ESI Act and no relief could be granted by this Court.

4. With these observations, the writ petition is dismissed. No costs. Consequently, connected W.M.P. is closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

kst

To

1. The Regional Director
Employees State Insurance Corporation
""Panchdeep Bhavan), 143, Sterling Road
Nungambakkam, Chennai 600 034.

2. Recovery Officer
Employees State Insurance Corporation
"Panchdeep Bhavan", 143, Sterling Road
Nungambakkam, Chennai 600 034.

+1cc to Mr.A.Kumanaraja, Advocate SR.No.61520

+1cc to Mr.K.Prabakar, Advocate SR.No.66716

W.P.No.22628 of 2018

GMV(08/10/2018)