

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.1671 of 2013

M/s.Medopharm,
'Mohan Mansons' No.1,
Thiru.Vi.Ka.Road,
Chennai - 600 006.

... Appellant/Petitioner

Vs.

Employees' State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai - 600 034 represented by
(1) Asst/Deputy Director & (2) Recovery Officer.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 82 of the Employees' State Insurance Act, 48 (Act 34 of 1948) against the order and decree dated 29.01.2011 passed in E.I.O.P.No.33 of 2007 by the Principal Judge, Labour Court (Employees' Insurance Court), Chennai.

For Appellant : Ms.Rita Chandrasekaran

For Respondent : Mr.C.V.Ramachandramurthy

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the order passed by the Principal Judge, Labour Court (Employees' Insurance Court), Chennai, in E.I.O.P.No.33 of 2007, dated 29.01.2011.

2. The order passed by the respondent, demanding damages for late payment of contribution and for subsequent interest on the same, has been put to challenge by the appellant by filing E.I.O.P.No.33 of 2007.

3. After going through the elaborate oral and documentary evidence, the Employees' Insurance Court had held that the demand made by the Employees' State Insurance Corporation/respondent is legal and that the appellant is liable to pay the same.

4. Pursuant to the order passed by the Employees' Insurance Court, the appellant had remitted the entire amount of interest as well as the damages along with costs by way of demand draft to the tune of Rs.1,93,729/-.

5. When the matter is taken up for hearing today, the learned counsel for the respondent has also acknowledged the payment of dues to the tune of Rs.1,93,729/- on 08.12.2011 towards interest and damages for the delayed payment of contribution for the period from 4/91 to 3/96 and 4/96 to 12/05.

6. The non-payment of contribution is categorically admitted by the appellant. That due to financial crisis and administrative problems, they were not in a position to remit the contribution in time. Thus, once the delay of payment of contribution is admitted, the liability cast on the employer to pay the interest on the dues as well as the damages for delayed payment automatically follows. The Court below considered all these aspects and arrived at a right conclusion.

7. I do not find any infirmity in the order passed by the Principal Judge, Labour Court (Employees' Insurance Court), Chennai, in E.I.O.P.No.33 of 2007 dated 29.01.2011 and accordingly, it is confirmed.

8. In view of the payment made by the appellant towards interest and damages, this Civil Miscellaneous Appeal is closed as nothing survives. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Principal Judge, Labour Court,
Employees' Insurance Court,
Chennai.

+1cc to M/s.Aiyar & Dolia, Advocate SR.No.23242

MR(CO)
sm:8.5.2018

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