

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.49060 of 2006
and M.P.No.2 of 2010

M/s.M.Sambandam & Co.,
Giri Tannery,
Ols No.22, Old Thiruthani Road,
Ranipet-632 402,
Rep. by Managing Partner,
M.S.Sekar.Petitioner

Vs.

1.The Regional Director,
ESI Corporation,
143, Sterling Road,
Chennai-600 034.

2.The Asst. Regional Director,
ESI Corporation,
143, Sterling Roadm
Chennai-600 034.

3.The Recovery Officer,
ESI Corporation,
143, Sterling Road,
Chennai-600 034.

4.The Manager,
ESI Corporation,
Local Office (Dispensary Complex),
SIPCOT, Ranipet,
Vellore District.

5.The Principal Judge,
ESI Court,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Certiorarified Mandamus, calling for the records and quash the

order dated 30.09.2004 in ESI O.P.No.19 of 2001 on the file of the 5th respondent and consequently quash the proceeding No.TN/INS-1/51-10633-21 dated 22.11.1996, by the second respondent.

For Petitioner: Mr.T.Sai Krishnan.

For Respondents: Mr.K.Prabakar
Standing counsel for E.S.I.

O R D E R

The petitioner-Management has filed this Writ Petition challenging the order dated 30.09.2004 in ESI O.P.No.19 of 2001 on the file of the fifth respondent and consequently quash the proceedings dated 22.11.1996.

2.The case of the petitioner is that the second respondent ESI Corporation issued a show cause notice under Section 45-A of Employee's State Insurance Act (hereinafter called as 'ESI Act'). After receipt of such show cause notice, the petitioner filed a detailed reply on 18.06.1988. Thereafter, the second respondent passed a claim order on 22.11.1996. After receipt of such claim order, the petitioner sent a reply notice on 06.01.1997. Since there is non-payment of the claim, the second respondent issued a seizure notice under Section 45-G of the Employees' State Insurance Act, 1948 on 05.08.1998. Thereafter, the second respondent issued demand notice on 25.08.1998. Again the second respondent passed a final order on 11.09.1998 and directed the petitioner to deposit a sum of Rs.2,73,197/- to ESI Corporation. Therefore, the petitioner filed E.S.I.O.P. before the fifth respondent and consequential orders were passed by the third respondent. However, challenging such order, the petitioner filed E.S.I.O.P. No.19 of 2001 before the fifth respondent. After receipt of the original petition, the ESI Corporation passed a conditional order dated 30.09.2004 directing the petitioner to deposit a sum of Rs.1,00,000/- on or before 29.10.2004. However, the petitioner did not comply with the conditional order instead filed an application in I.A.No.671 of 2004, I.A.No.672 of 2004 and I.A.No.221 of 2006 in ESIOP.No.19 of 2001 seeking extension of time to deposit the aforesaid amount. However the said I.A's also dismissed, against which the present Writ Petition is filed.

3.Heard Mr.T.Saikrishnan, learned counsel for the petitioner and Mr.K.Prabakar, learned standing counsel for the respondents.

4.The learned counsel for the petitioner would submit that while entertaining this Writ Petition, this Court by an order dated 19.12.2006, granted interim stay on condition that the petitioner has to deposit Rs.1,00,000/- before the third respondent-Recovery Officer within a period of eight weeks failing which the interim stay granted shall stand automatically vacated. The learned counsel for the petitioner would further submit that, in compliance to the order dated 19.12.2006, the petitioner has deposited Rs.1,00,000/- before the third respondent on 16.02.2007.

5.Recording the aforesaid submission made by the learned counsel for the petitioner, I do not think anything survives for adjudication in this Writ Petition. Accordingly, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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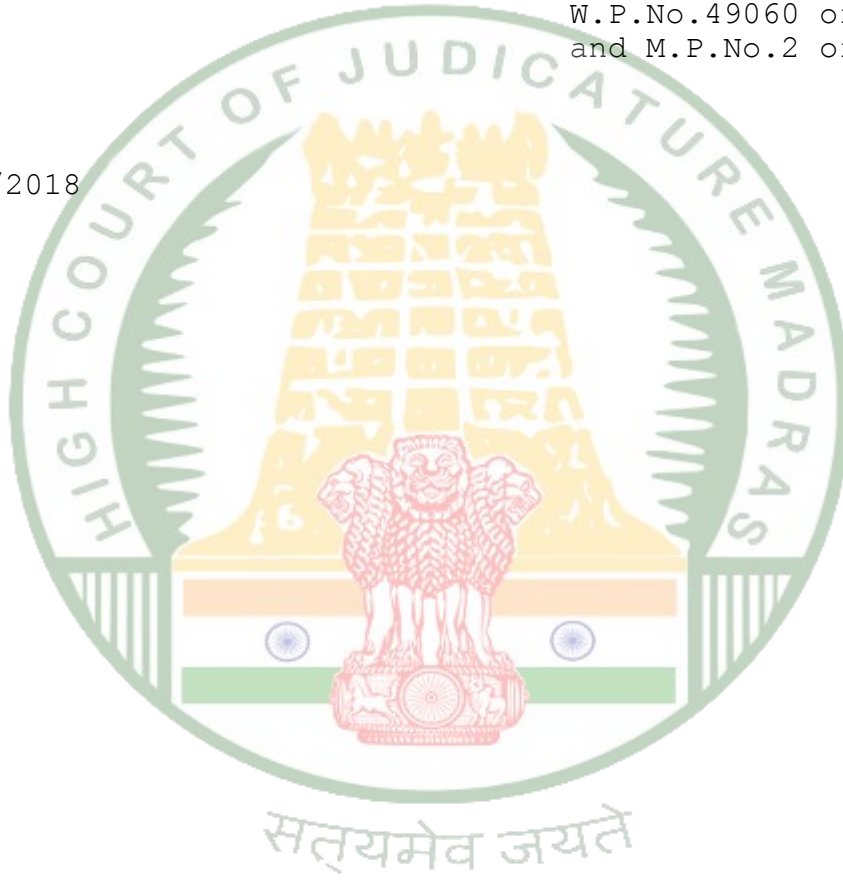
- 1.The Principal Judge,
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- 2.The Regional Director,
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+lcc to Mr.K.Prabakar, Advocate Sr.45790

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srg 29/08/2018



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