



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.15001 of 2014

and

M.P. (MD) No.2 of 2014

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Narayana Guru International Institute
of Science and Technology (Trust)
Chitadavu, Majalumoodu,
Arumana, Kanyakumari District - 629 151.
Represented by
its Founder Trustee and Chairman.

... Petitioner

Vs.

1. The Director / Appellate Authority,
Sub-Regional Office,
Panchdeep Bhawan,
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli - 627 003.
2. The Joint Director,
Sub-Regional Office,
Panchdeep Bhawan,
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli - 627 003.
3. The Deputy Director/
Authorized officer,
Sub-Regional Office,
Panchdeep Bhawan,
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli - 627 003.
4. The Recovery Officer,
Sub-Regional Office,
Panchdeep Bhawan,
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli - 627 003.
5. The Branch Manager,
Central Bank of India,
1-1-9a, Puliyoorsalai,
Cheruvaloor (PO)
Idakkode,
Kanyakumari District.



6. The Branch Manager,
Canara Bank,
11-51A, Hill Ward
Kuzhithurai - 629 163
Kanyakumari District.

7. The Branch Manager,
State Bank of India
Manjalammoodu (PO)
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first respondent Director in No.6600040210001304/45A/7/14/Ins/SRO/Tli dated 11.04.2014 and the consequential order issued by the third respondent, Deputy Director in Ref.No.66000402310001304/C-19/190/14/MEC/SRO/TLI dated 20.06.2014 and the fourth respondent Recovery officer in Ref.No.6600402310001304/193/14 dated 10.07.2014, quash the same and further direct the respondents 1 to 4 herein to refund forthwith the total sum of Rs.13,94,165/- (Rs.10,81,101/- + Rs.3,13,064/-) forcibly obtained from the petitioner with interest.

For petitioner : Mr.T.Cibi Chakraborty

For R1 to R4 : Mr.K.C.Ramalingam

For R7 : Mr.J.Alaguram Jothi

O R D E R

The petitioner is an educational institution. It suffered an order under Section 45A of the ESI Act, 1948. The writ petitioner filed an appeal before the Appellate Authority. The Appellate Authority confirmed the order passed by the original authority. This is under challenge in this writ petition. In the meanwhile, the demand covered by the impugned order was also enforced.

2.This Court finds that the order passed by the appellate authority does not deal with the contention raised by the writ petitioner. In this view of the matter, the order of the appellate authority is set aside and the matter is remitted to the file of the appellate authority to rehear the matter. The appellate authority shall give opportunity of personal hearing to the petitioner. It is open to the petitioner to raise additional grounds also. The question of refunding the sum of Rs.13,94,165/- which was collected pursuant to the impugned order will depend on the outcome of the appeal.



3. With these observations, the writ petition stands allowed.
No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

+1CC to Mr.T.CibiChakraborty, Advocate in SR.No.47029,
+1CC to Mr.K.C.Ramalingam, Advocate in SR.No.47065,
+1CC to Mr.J.Alguram Jothi, Advocate in SR.No.47063.

PNN/SKM

DS/SV/MMS/SAR-2 :17.05.2018: 3P/4C

ORDER MADE IN
W.P. (MD) No.15001 of 2014
07.02.2018