

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13805 of 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“...to issue writ order or direction more particular one in the nature of writ of “Mandamus” declaring the action of the respondent authorities seeking to recover the amount of Rs.1,91,141/- for the years 1999 to 2004 and Rs.85,716/- for the period from 1.4.1994 to 31.12.1998 together with interest from the petitioner towards alleged contributions under ESI Act, though the petitioner company never engaged more than 9 employees at any point of time, as illegal, arbitrary and contrary to provisions of ESI Act and set aside the certificate dated 9.12.2004 and order dt.14.12.2004, 24.01.2005, 6.06.2005 and consequential notice dt.10.06.2005 of the 2nd respondent consequently direct the respondents not to recover the any amounts from the petitioner in the name of contributions under ESI Act as the petitioner does not come under the purview of the ESI Act and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner.

3. Though the matter is adjourned for hearing the submissions of the learned counsel for the respondents and a reasonable opportunity is afforded to the respondents, no submissions are made on their behalf.

4. Learned counsel for the petitioner submits that WPMP.No.4530 of 2011 is filed complaining non-consideration of the representation of the petitioner under New Amnesty Scheme-2010 and that, if the respondents consider the said representation of the petitioner in an appropriate manner in accordance with the procedure and law, the ends of justice would be met and the grievance of the petitioner would stand redressed. He, therefore, requests this Court to direct the respondents to consider the representation of the petitioner accordingly. His submission is that if such a direction is given, no prejudice would be caused to the respondents and the ends of justice would be sub-served.

5. Recording the above submissions, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioner under New Amnesty Scheme-2010 as per law and procedure and communicate the decision taken thereon to the petitioner thereafter. The respondents are directed to complete the necessary exercise in the above regard, within one month from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

M.SEETHARAMA MURTI, J

06.09.2018

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