

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 10865 of 2020

and

W.M.P. No. 13184 of 2020

M/s. Thangavelu Textiles Mills Pvt. Ltd.,
No. 111/1, Thathampatti,
Post Box No. 3, K.N. Colony Post,
Salem – 636 014.

... Petitioner

The Deputy Director,
ESI Corporation,
Sub Regional Office,
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem – 636 009.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records of order in Ref. No. 63000224570000101/Ins.I/SRO/Slm/C19/336/19 dated 28.02.2020 passed by the Respondent and quash the same and consequently directing the Respondent to accept the remaining outstanding determined amount in the above impugned order in 24 equal installments.

For Petitioner : Mr. Gopalakrishnan for Mr. S. Gunalan

For Respondent : Mr. S.P. Srinivasan, Standing Counsel

ORDER
(through video conference)

Heard Mr. Gopalakrishnan, Learned Counsel for the Petitioner and Mr. S.P. Srinivasan, Learned Standing Counsel appearing for the Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. It is contended by the Learned Counsel for the Petitioner that though the Petitioner has challenged the order Ref. No. 63000224570000101/ Ins.I/SRO/Slm/C19/336/19 dated 28.02.2020 passed by the Respondent demanding payment of ESI dues in terms of Section 45-C to 45-I of the Employees' State Insurance Act, 1948 (hereinafter referred to as 'the Act' for short), the Petitioner would be satisfied if the accumulated arrears of ESI dues accumulated are permitted to be remitted in 24 equated monthly installments for which the Petitioner has submitted a representation on 31.08.2020 to the Respondent by registered post and a copy of its postal registration has been produced. Learned Counsel for the Respondent has also acknowledged receipt of

its copy.

3. Having due regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the Competent Authority to duly consider the aforesaid representation submitted on 31.08.2020 by the Petitioner and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the Petitioner under written acknowledgment. Before carrying out that exercise, if the Competent Authority is of the view that the Petitioner has not satisfied the prescribed requirements or eligibility criteria for that benefit, the deficiencies in that regard shall be informed in writing to the Petitioner requiring he same to be furnished within a time frame of not less than 10 working days that may be granted for that purpose. In the event of the Competent Authority being of the opinion that the Petitioner has not satisfied the same even thereafter, an enquiry shall be conducted affording an opportunity of personal hearing to the Petitioner to explain its position regarding such compliance. It is made clear that resort to coercive measures for recovery against the Petitioner shall be deferred till the representation is disposed in the aforesaid manner.

P.D. AUDIKESAVALU, J.

Maya

Accordingly, the Writ Petition is disposed on the aforesaid terms.
Consequently, the connected Miscellaneous Petition is closed. No costs.

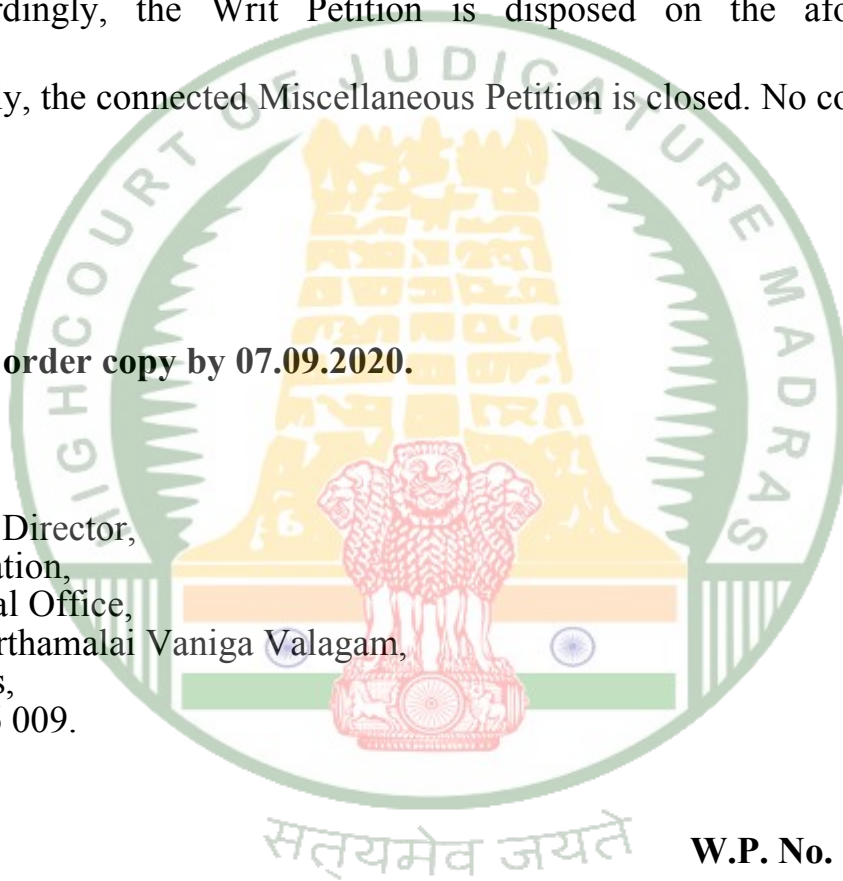
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Note: Issue order copy by 07.09.2020.

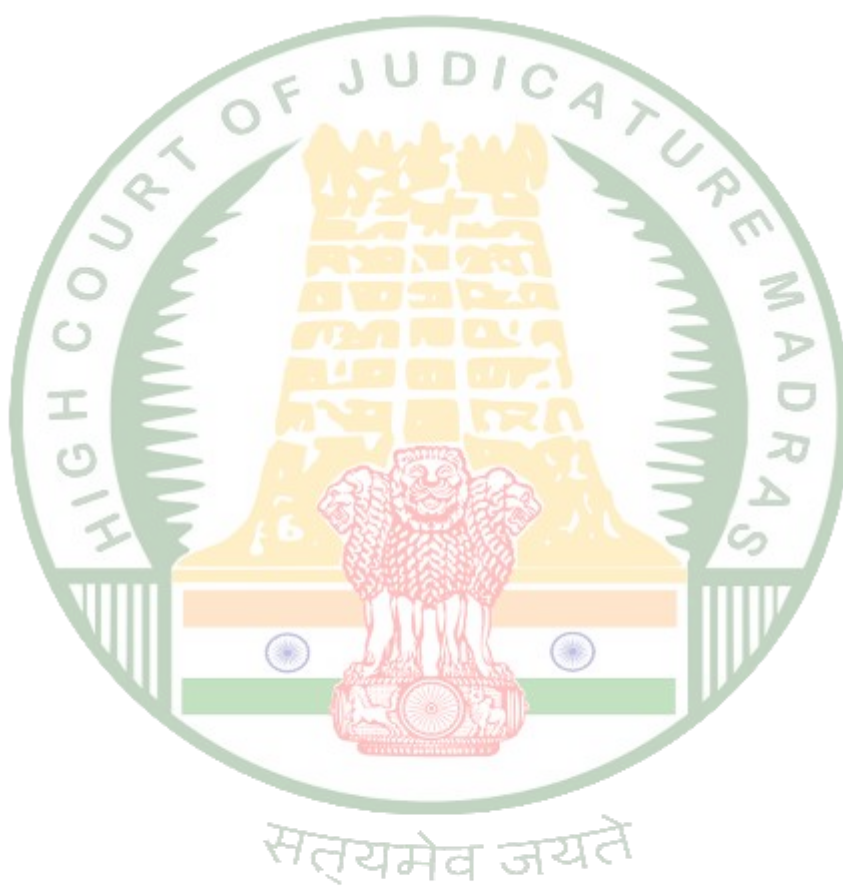
To

The Deputy Director,
ESI Corporation,
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