

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

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

W.P. No. 11216 of 2020

and

W.M.P. Nos. 13674 and 13677 of 2020

Srishti Special School for Mentally Handicapped Children,
Represented by its Director cum Managing Trustee
Dr. S. Thenmozhi,
B-4, J.J. Nagar, Valayapathi Salai,
Mugappair East,
Chennai - 600 037.

...Petitioner

-vs-

1. The Deputy Commissioner,
ESI Corporation, Panchdeep Bhavan,
No. 143, Sterling Road, Nungambakkam,
Chennai - 600 034.

2. The Recovery Officer,
ESI Corporation, Panchdeep Bhavan,
No. 143, Sterling Road, Nungambakkam,
Chennai - 600 034.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the demand notice dated 04.06.2020, No. 51000922570001301/CP/373556/93397 and quash the same, further direct the Respondents to carry out an inspection in the presence of representatives of the Petitioner institution by granting adequate opportunity to decide the applicability of provisions of the ESI Act insofar as the Petitioner institution is concerned.

For Petitioner : Mr. Rajnish Pathiyil

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

O R D E R
(through video conference)

Heard Mr. Rajinish Pathiyil, Learned Counsel for the Petitioner and Mr. S.P.Srinivasan, Learned Standing Counsel, who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the demand notice No. 51000922570001301/ CP/373556/93397 dated 04.06.2020 issued by the Second Respondent.

3. When it was pointed out that the Petitioner could challenge the aforesaid order in an application made under Section 75 of the Employees' State Insurance Act, 1948, before the Employees Insurance Court, Learned Counsel for the Petitioner sought to explain that on account of prevailing lockdown caused due to COVID pandemic, the Employees Insurance Court is presently not functional and in such circumstances, the Petitioner had been constrained to invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution of India. However, Learned Standing Counsel appearing for the Respondents, after written clarification from the Employees Insurance Court, has informed that urgent matters in applications under Section 75 of the Act through e-mail are taken on file, if it is in order, and has produced a copy of the same. Consequently, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has filed a memo to that effect through e-mail dated 27.08.2020, which is placed on record.

Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Deputy Commissioner,
ESI Corporation, Panchdeep Bhavan,
No. 143, Sterling Road, Nungambakkam,
Chennai - 600 034.

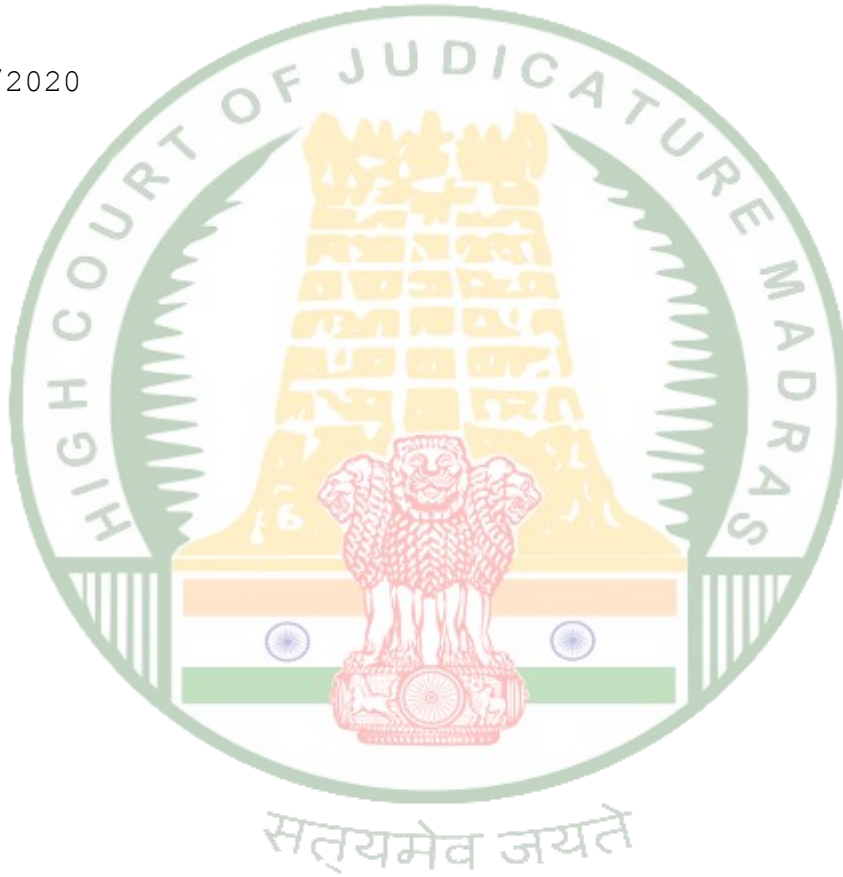
2. The Recovery Officer,
ESI Corporation, Panchdeep Bhavan,
No. 143, Sterling Road, Nungambakkam,
Chennai - 600 034.

+1cc to Mr.Rajnish Pathiyil, Advocate, S.R.No.28214

+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.28069

W.P. No. 11216 of 2020

SS (CO)
KKV/16/09/2020



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