

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

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

W.P. No. 27152 of 2019

Faizan Shoes Private Ltd.,
53, Vepery High Road,
Chennai - 600 003.

... Petitioner

-vs-

1. Regional Director
Employees' State Insurance Corporation
Panchdeep Bhawan
143, Sterling Road,
Chennai - 600 034.

2. Recovery Officer
Employees' State Insurance Corporation
Panchdeep Bhawan
143, Sterling Road
Chennai - 600 034.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records relating to the order passed by the 1st Respondent in TN/INS.VI/51-00-023419-000-0202 dated 06.02.2019 and quash the same and consequently direct the respondents to drop the penalty proceedings initiated against the petitioner.

For Petitioner : Mr. Karthik Ranganathan
For Respondents: Mr. K.Prabakar (For R1 & R2)

WEB COPY
O R D E R
(through video conference)

Heard Mr. Karthik Ranganathan, Learned Counsel for the Petitioner, Mr. K.Prabakar, Learned Counsel for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is pointed out by the Learned Counsel for the Respondents that the Petitioner has got an effective alternative remedy to challenge the order in TN/INS.VI/51-00-023419-000-0202 dated 06.02.2019 passed by the First Respondent, which is impugned in this Writ Petition by approaching the Employees Insurance Court under Section 75 of the Employees' State Insurance Act, 1948.

3. Having due regard to the aforesaid submissions made, 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 sent an e-mail dated 16.07.2020 to that effect, which is placed on record.

4. Accordingly, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear for the purpose of reckoning limitation for availing aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 27.08.2019, till today, viz., 16.07.2020, shall be excluded. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Maya
To

1. Regional Director
Employees' State Insurance Corporation
PanchdeepBhawan
143, Sterling Road,
Chennai - 600 034.

2. Recovery Officer
Employees' State Insurance Corporation
PanchdeepBhawan
143, Sterling Road
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RSV (CO)
SP (30/07/2020)