

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4698 of 2020

ORDER

This writ petition is filed seeking the following relief:

“to issue an appropriate writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not considering the representations dated 17/02/2020 and 24/02/2020 and not withdrawing the recovery certificate by exercising the powers u/s 45E(2) of the Employees' State Insurance Act, 1948 as arbitrary and in violation of well settle principles of natural justice and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard learned counsel on either side.

Petitioner is the Curry House Foods Private Limited. It has already been assessed under the Employees State Insurance Corporation and it has paid the contributions as stipulated by the respondents. However, since the respondents are trying to impose ESI contributions on the petitioner, once again, the petitioner submitted representations to the respondents on 17.02.2020 and 24.02.2020. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner on 17.02.2020 and 24.02.2020.

Learned Standing Counsel appearing for the respondents contended that since the representations of the petitioner are pending with the respondents, the respondents would consider the same and pass appropriate orders, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner on 17.02.2020 and 24.02.2020 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 03.03.2020
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