

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6406 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue Writ order or direction more in the nature Writ of Mandamus declaring the action of the Respondent No.2 i.e., the Dy. Director, Regional Office, ESI Corporation in Letter No. TS/INS-IV/52000671900001001/1884 dt 17.12.2018 issued for recovery of an amount of Rs.10,77,469/- (Rupees Ten Lakhs Seventy Seven Thousand Four Hundred Sixty Nine Only) with interest @ 12% per annum and the action of Respondent No.3 i.e., the Recovery Officer, Regional Office, ESI Corporation in issuing Form No.ESI CP 2 (notice of demand to defaulter) No.52000671900001001/CP/301942 dated 21.02.2019 for recovery of an amount of Rs.17,16,556/- and in issuing the order No. 52Q/671901001 dated 11.03.2019 directing the 4th Respondent to transfer an amount of Rs.17,16,556/- from the account of the Petitioner Corporation as illegal, unjust, violation of principles of natural justice and violation of the provisions of ESI Act, consequently set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.”

Heard Sri A.Ravi Babu, learned Standing Counsel appearing for the petitioner-Corporation, Sri B.G.Ravinder Reddy, learned Standing Counsel appearing for respondents 1 to 3 and Sri M.Srikanth Reddy, learned Standing Counsel appearing for respondent No.4.

The grievance of the petitioner-Corporation is that without giving any opportunity, the 2nd respondent had issued the proceedings dated 17.12.2018 directing the Corporation to

pay an amount of Rs.10,77,469/- towards statutory contributions. Pursuant to the same, the Corporation submitted a representation to the 2nd respondent on 8.3.2019 requesting the 2nd respondent to furnish the details as to how the 2nd respondent has come to a conclusion that the Corporation has defaulted the said amount. But, so far, the 2nd respondent has not furnished any details.

Learned counsel appearing for the petitioner-Corporation contended that appropriate orders be passed in the writ petition directing the 2nd respondent to furnish the details as to how the petitioner-Corporation has defaulted in paying the statutory contributions.

Learned Standing Counsel appearing for the respondents contended that the 2nd respondent would furnish the details as sought by the petitioner-Corporation and thereafter, initiate action against the Corporation.

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 2nd respondent to consider the representation dated 8.3.2019 and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this

order. Till such time, no action shall be taken against the petitioner-Corporation.

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

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 5.2.2020

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