

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6527 of 2009

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner had contended that the petitioner is challenging the show-cause notices, dated 12.01.2009, wherein the respondents are demanding an amount of Rs.1,62,874/-, as Employees' State Insurance (ESI) benefits were not paid by the petitioner.

2. This Court was pleased to grant interim direction on 26.03.2009 subject to condition that the petitioner deposits an amount of Rs.30,000/- within a period of four weeks.

3. Learned counsel for the petitioner had contended that the respondents have prima facie come to the conclusion that the petitioner comes within the ambit of the Employees' State Insurance Act (for short, 'the Act'), without examining the case of the petitioner and without giving any opportunity.

4. The case of the petitioner is that only eight employees are working with the petitioner and this fact was not considered by the respondents.

5. Learned Standing Counsel appearing for the respondents had contended that this issue can also be raised before the ESI Court under Section 75 of the Act and this is an effective and alternative remedy for the petitioner. Therefore, appropriate orders be passed in the writ

petition directing the petitioner to approach the ESI Court challenging the action of the respondents.

6. This Court, having considered the submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to approach the ESI Court, if the petitioner is so advised, within two months from the date of receipt of a copy of this order, in accordance with law.

7. With these observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

11th February 2020

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