



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.28932 of 2003

M/s.GTV Spinners Limited,
Pulankinar Post,
Udumalpet Taluk,
Coimbatore District,
rep. by its Director,
P.Jeyaram

...Petitioner

Vs.

1. The Deputy Director,
Employees State Insurance Corporation,
No.333, Cross Cut Road,
Coimbatore - 641 012.

2. The Recovery Officer,
Employees State Insurance Corporation,
No.333, Cross Cut Road,
Coimbatore - 641 012.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari to call for the records and quash the proceedings bearing Reference No.56/Q/14382/RRC, dated 15.09.2003 by the 2nd Respondent.

For Petitioner : Mr.V.T.Narendran

For Respondents : Mr.K.C.Ramalingam

O R D E R

Petitioner has come up with this Writ Petition challenging the proceedings of the 2nd Respondent vide Reference No.56/Q/14382/RRC, dated 15.09.2003.

2. Heard the learned counsel on either side and perused the material documents available on record.



3. It is seen that, by obtaining an interim order, the Petitioner has managed to protract the proceedings for 18 years and there is no evidence to show that, E.S.I. Corporation evinced any interest to file a Petition to vacate the interim order. After the proceedings culminated into an order, the Petitioner has to avail the remedy under Section 75 before the E.S.I. Court. In case, the Petitioner is aggrieved, the remedy lies by way of an Appeal under Section 82 of the E.S.I. Act. Hence, this Court is not inclined to grant the relief sought for in this Writ Petition.

4. It is made clear that, the period during which the matter is pending before this Court needs to be excluded for the purpose of computation of delay, in case, the Petitioner approaches the ESI Court after determination by the Authorities, and not before that, as the Petitioner's intention is to protract the proceedings and ESI Corporation is to wake up from the slumber.

In fine, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected W.M.P.No.35318 of 2003 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Deputy Director,
Employees State Insurance Corporation,
No.333, Cross Cut Road,
Coimbatore - 641 012.
2. The Recovery Officer,
Employees State Insurance Corporation,
No.333, Cross Cut Road,
Coimbatore - 641 012.

W.P.No.28932 of 2003

RLD(CO)
RGA(02/08/2021)