



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.18599 OF 2021

AND

WMP.NO.19839 OF 2021

Nava Bharath National School,
Rep by its Chairman,
K.P.Nandhakumar,
Sathy Main Road,
Annur - 641 653.

..Petitioner

.Vs.

1.Employees State Insurance Corporation
Rep by its Regional Director,
Regional Office at
No.143, Sterling Road,
Chennai - 34.

2.The Deputy Director,
Employees State Insurance Corporation
No.39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem - 636 009.

..Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of mandamus to direct the respondents to write off the contribution for the period from November 2012 to August 2019 based on the application dated 27.07.2021 filed under Section 91 (C) of the ESI Act on merits.

For Petitioner : Mr.I.Abrar Mohamed Abdullah
For respondents : Mr.G.Bharadhwaj

O R D E R

This Writ Petition is listed and taken up today through Video Conferencing.

2. The limited prayer sought for in the present writ petition is for a direction to the respondents for considering the petitioner's application dated 27.07.2021 filed under



Section 91(C) of the ESI Act, wherein the petitioner has sought for writing off the contribution for the period from November 2012 to August 2019.

3. The issue as to whether such contribution can be written off or not, is a discretion vested with the respondent herein and this Court may not be justified in stepping into the shoes of the respondent and considering their entitlement to have the contribution written off. Nevertheless, if the respondent is called upon to consider the petitioner's application within a stipulated period of time, the ends of justice could be secured.

4. In the light of the above observation, there shall be a direction to the first respondent herein to consider the petitioner's application dated 27.07.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.Regional Director,
Employees State Insurance Corporation
Regional Office at
No.143, Sterling Road,
Chennai - 34.

2.The Deputy Director,
Employees State Insurance Corporation
No.39/57, Theerthamalai Vaniga Valagam,
Three Roads, Salem - 636 009.

+1cc to Mr.I.Abrar Mohamed Abdullah, Advocate, S.R.No.49984

+1cc to Mr.G.Bharadhwaj, Advocate, S.R.No.49397

W.P.No.18599 of 2021

GP(CO)
PM/22/11/2021