



WEB COPY

In the High Court of Judicature at Madras

Dated: 27.01.2022

Coram

The Honourable Mr.JUSTICE V.PARTHIBAN

W.P.No.1110 of 2022
and WMP No.1166 of 2022

M/s.Channel Bharat Entertainment (P) Ltd.
No.22 First Cross Street
2nd Avenue Ashok Nagar Chennai- 600 083
Rep by managing Director.

..... Petitioner

Vs

- 1 The Additional Director
Employees State Insurance Corporation
No.143 Sterling Road Nungambakkam
Chennai- 600 034.
- 2 The Assistant Director
Employees State Insurance Corporation
No.143 Sterling Road Nungambakkam
Chennai- 600 034.
- 3 The Recovery Officer
Employees State Insurance Corporation
No.143 Sterling Road Nungambakkam
Chennai- 600 034.

..... Respondents

PETITION filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents 1 and 2 herein to furnish the Petitioner company viz. M/s. CHANNEL BHARAT ENTERTAINMENT (P) LTD. bearing ESI Code No. 51001047770001010 a copy of the order passed by the Respondents 1 and 2 herein under Sec.45-A of the ESI Act 1948 for the period from January 2013 to May 2016 based on the representation dated 01.11.2021 to the respondents.

For Petitioner : Mr. M.Venkadeshnan

For Respondents : Ms.Jeyakumari
Standing Counsel



O R D E R

In this Writ Petition, though a prayer has been sought under the guise of Writ of Mandamus to direct respondents 1 and 2 to furnish a copy of the order passed by the respondent Corporation in terms of Section 45-A of the ESI Act 1948, the petitioner appears to have been aggrieved by the demand notice issued by the Corporation under Section 45-A of the ESI Act covering the period January 2013 to May 2016.

2. According to the petitioner, the company was not doing financially well and was facing crisis. In fact, it is admitted in the affidavit that summons were served, which were also responded. But very conveniently, the petitioner is feigning ignorance as to the service of the impugned demand on them, which was purported to be passed under Section 45-A of the ESI Act. Thus the Writ Petition is filed with the malicious intent to delay further progress of the recovery proceedings initiated against the petitioner for not making contribution to the respondent corporation.

3. In any event, this Court's constitutional jurisdiction cannot be invoked for directing the Corporation to furnish a copy of the order passed by them. It is always open to the petitioner to approach the Corporation, in case the demand notice has not been served on them. Even otherwise, it is always open to them to seek furnishing of copies under a different enactment, but it cannot seek issuance of mandamus. Such a trivial direction as prayed, in fact, amounted to belittle the constitutional jurisdiction of this Court. Further, this Court cannot also give any such direction on the basis of the self-serving averments.

4. For the above stated reason, this Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

s1



To

1 The Additional Director
Employees State Insurance Corporation
No.143 Sterling Road Nungambakkam
Chennai- 600 034.

2 The Assistant Director
Employees State Insurance Corporation
No.143 Sterling Road Nungambakkam
Chennai- 600 034.

3 The Recovery Officer
Employees State Insurance Corporation
No.143 Sterling Road Nungambakkam
Chennai- 600 034.

+1cc to Mr.M.Venkadeshan, Advocate SR.No.4985

+1cc to Ms.Jeyakumari, Advocate SR.No.5543

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RP(CO)
GMY(16/02/2022)