



O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. This writ petition has been filed to issue a Writ of Mandamus, directing the 2nd respondent to dispose the representation of the petitioner dated 12.01.2022, submitted to waive/write-off the amount of past contributions under Section 91-C of the ESI Act, 1948.

3. The case of the petitioner in brief:

The petitioner school is a private minority institution, running purely on charity basis. The Employees State insurance issued notification in the year 2008 extending the ESI Act to all educational institutions excluding the Government and Government aided institutions. Further, the petitioner school collects fees from the students as per the norms fixed by the Government and no provisions were made to allocate the contribution to ESI. However, the second respondent, without affording any opportunity of personal hearing to the petitioner, had issued demand notice on 27.10.2020 and 14.09.2021 to pay huge amount as past contributions. The above demand notices were challenged by the petitioner by writ petitions in W.P.No.28265 and 28273 of 2021 and the same were dismissed by this court. Thereafter, the petitioner had submitted a representation dated 12.01.2022 under Section 91-C of ESI Act seeking waiver/write of the the past ESI contribution. But, without considering the representation, the second respondent issued the impugned notice under Section 45G of ESI Act, demanding to pay a sum of Rs.6,00,905/-. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that in similar matters, this court has directed the petitioners to pay the demanded amount by the ESI Corporation in equal monthly installments and on the same line, the respondents may be directed to consider the petitioner's representation and to pass appropriate orders.

5. It is pertinent to note that, in a similar matter, with regard to the demand of contribution, interest and other charges, this court has passed has passed the following order in W.P.7040 of 2022 on 28.03.2022.

" i) The petitioner is directed to pay a sum of Rs.23,69,551/- (Rupees twenty three lakhs sixty nine thousand five hundred and fifty one) in ten equal monthly instalments commencing from April 2022.

ii) The first instalment shall commence from 10.04.2022 and the petitioner is directed to pay the



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remaining nine installments, on or before 10th day of every succeeding calendar months.

iii) If the petitioner is failed to pay even one installment, the fourth respondent is at liberty to proceed further, in accordance with law.

iv) This order is passed, subject to the out come of W.A.No.1444 of 2021."

6. In the light of the above order, the second respondent is directed to consider the representation of the petitioner dated 12.01.2022 and to pass appropriate orders, as early as possible, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Prinicipal Secretary
Labour & Employment Department,
Fort St.George, Chennai - 600 009.
2. The Regional Director,
Employees' State Insurance Corporation,
143, Sterling Road, Panchdeep Bhavan,
Chennai - 600 034.
3. The State Bank of India,
Nandabakkam,3A, Mount Poonamalle Road,
Nandapakkam, Chennai - 89.

+1cc to Mr.P.Muthusamy, Advocate, S.R.No.22332
+1cc to Mr.S.P.Srinivasan, Advocate, S.R.No.22081
+1cc to the Government Pleader, S.R.No.22741

W.P.No.7729 of 2022
and WMP No.7743 of 2022

GP[co]
NSK 21/04/2022