



WEB COPY

W.P.No.28937 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.28937 of 2022 &
W.M.P.No.28130 of 2022**

1.Tvl.Formix Industries

Rep by its Managing Director, Paulose Joseph
B-53, SIPCOT Industrial Estate
Gummidipoondi- 601 201.

... Petitioner

vs.

Employees State Insurance corporation
Rep by its Regional Director,
143, Sterling Road,
Nungambakkam,
Chennai- 600 034.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the Respondent herein to comply with the order of the Employees Insurance Court dated 03.04.2017 in E.I.O.P. NO. 275 of 2005 and grant refund of the entire contributions paid by the Petitioner under the ESI Act along with interest in accordance with Rule 31-A of the ESI (General) Regulations 1950 within a time frame.

For Petitioner : Mr.G.Derrick Sam

For Respondent : Mr.K.Prabakar

**ORDER**

WEB COPY

This writ petition has been filed for a mandamus seeking for a direction to the respondent to comply with the order of the Employees Insurance Court dated 03.04.2017 passed in E.I.O.P.No.275 of 2005 by granting refund to the petitioner, within a time frame to be fixed by this Court.

2. Mr.K.Prabakar, learned Standing Counsel accepts notice on behalf of the respondent. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3.The petitioner claims that by order dated 03.04.2017 passed in E.I.O.P.No.275 of 2005, a direction for refund of the entire contributions made by the petitioner was ordered in view of the fact that the petitioner is exempted from the purview of the ESI Act. According to him, despite the assurance given by the respondent to process the petitioner's refund claim based on the order dated 03.04.2017 passed in E.I.O.P.No.275 of 2005, till date, refund has not been granted to the petitioner. In such circumstances,



the petitioner has given a representation on 16.09.2021 and thereafter, several representations were made. The petitioner has also filed a reply sent by the respondent along with this writ petition wherein they have stated that they are processing the representation of the petitioner seeking for refund.

4. Heard Mr.G.Derrick Sam, learned counsel for the petitioner and Mr.K.Prabakar, learned Standing Counsel appearing for the respondent.

5. No prejudice would be caused to the respondent, if the petitioner is directed to give a fresh representation to the respondent requesting for refund of the contributions made under the ESI Act, based on the order dated 03.04.2017 passed in E.I.O.P.No.275 of 2005 and a direction is issued to the respondent to consider the said representation on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondent requesting for refund of the entire contributions paid by them under ESI Act pursuant to the order dated 03.04.2017 passed by the ESI Court in E.I.O.P.No.275 of 2005 within a



period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent shall pass final orders on merits and in accordance with law in the light of the order dated 03.04.2017 passed by the ESI Court in E.I.O.P.No.275 of 2005 within a period of four weeks thereafter.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

02.11.2022

nl

Index: Yes/No

Speaking/Non-speaking orders



To

Employees State Insurance corporation
Rep by its Regional Director,
143, Sterling Road,
Nungambakkam,
Chennai- 600 034.

W.P.No.28937 of 2





WEB COPY

W.P.No.28937 of 2



ABDUL QUDDHOSE, J.
nl

W.P.No.28937 of 2022

02.11.2022